

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26419 of 2014

Arising Out of PS.Case No. -59 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Ashok Kumar Dubey @ Birgun Dubey s/o Arjun Dubey resident of
village - Jatwliya, P.S. - Kundwa Chainpur, District - Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pramila Devi w/o Ashok Kumar Dubey D/o Ramnath Dubey at present
resident of Laukariya, P.S. - Palanwa, Distt - Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Narendra Kr. Singh (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015 The petitioner figured as accused in Tr.

No.2676/2012 arising out of Complaint Case No.59 of
2012, registered on the basis of a complaint submitted by
the wife of the petitioner alleging offences including one
punishable under Section-498A of I.P.C. Apprehending
arrest, the petitioner filed A.B.P. No.426/13 in the court
of learned Sessions Judge, East Champaran at Motihari.
The learned Judge rejected the application through order
dated 5.4.2014. Hence, this application for grant of
anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Whether one goes by the nature of allegations

or the law laid down by the Supreme Court in the recent past, the arrest of a person who figured as accused in a case wherein offences punishable under Section-498A of I.P.C. is alleged, is not at all warranted.

Therefore, the application is allowed.

The order dated 27.6.2014, granting provisional anticipatory bail to the petitioner shall be treated as one granting anticipatory bail subject to the conditions that:-

(a) if any arrangement has been ordered by this Court on earlier occasion, it shall be in force till the disposal of the case before the trial court;

(b) the petitioner shall be under obligation to live with and maintain his wife, if she is otherwise willing; and

(c) disposal of this application shall be without prejudice to the proceedings for mediation, if any.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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