

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27597 of 2014

Arising Out of PS.Case No. -2457 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Arvind Kumar Son of Narendra Kumar Resident of Village- Katha Loknnathpur, P.S.- Muffasil Motihari, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kusum Devi Wife of Arvind Kumar, D/O Chandra Bijya Prasad @ Budh Sah Resident of Village- Siswaniya, P.S.- Ramgarhwa, District- East Champaran at Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Sanjay Kumar(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015 The petitioner figured as accused in Trial No.3167/2013 arising out Complaint Case No.C-2457/2011, 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.482/2014 in the court of learned District & Sessions Judge, East Champaran at Motihari. The learned Judge rejected the application through order dated 11.4.2014. 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.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of S.D.J.M., Sadr, Motihari, East Champaran in connection with Complaint Case No.C-2457/2011, Trial No.3167/2013, 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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