

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30476 of 2014

Arising Out of PS.Case No. -55 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

=====

1. Kamlesh Ojha Son of Sri Sheoji Ojha resident of village- Kateya, Police Station- Behea in the district of Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Amar Nath Mishra Son of Sri Deodhari Mishra
3. Smt. Sushma Kumari daughter of Sri Amar Nath Mishra Both resident of village- Nargadda, Police Station- Shahpur in the district of Bhojpur, Presently residing at Manjhua Police Station- Ara Town in the district of Bhojpur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma, Adv.

For the Opposite Party/s : Mr. M.K.Khare (App)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 13-04-2015 The petitioner figured as accused in Bhojpur Mahila P.S. Case No.55 of 2014, 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.787/2014 in the court of learned Sessions Judge, Bhojpur, Ara. The learned Judge rejected the application through order dated 27.6.2014. 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 Sub-Divisional Judicial Magistrate, Bhojpur, Ara in connection with Bhojpur Mahila P.S. Case No.55 of 2014, 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/-

U		T	
---	--	---	--