

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34324 of 2014

Arising Out of PS.Case No. -607 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Md. Shakil S/o Md. Nazir Resident of Village Bithan, P.S. Bhithan,
District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sahnaz Begam W/o Md. Shakil, D/o Md. Dargahi Miyan Resident of
Village Sahpur Chintamani Tole Lakka, P.S. Lathouri, District Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. Pramod Kr. Pandey(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015 The petitioner figured as accused in Trial

No.2457/14 arising out of Complaint Case No.607/2013,
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.2675/14 in the court
of learned Sessions Judge, Samastipur. The learned
Judge rejected the application through order dated
24.6.2014. 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 A.C.J.M., Rosera, Samastipur in connection with Trial No.2457/14 arising out of Complaint Case No.607/2013, 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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