

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34983 of 2014

Arising Out of PS.Case No. -888 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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1. Bhushan Kr. Sahni @ Bhushan Sahni son of Rajindra Sahni, resident of
Village- Koniya, P.S.- Kesariya, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Vibha Devi wife of Bhushan Sahni, resident of Village- Hussepur
Dobanda, P.S.- Sahebganj, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh

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

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

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

No.518/2013 arising out of Complaint Case No.888/13,

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.503/2014 in the

court of learned Sessions Judge, Muzaffarpur. The

learned Judge rejected the application through order

dated 29.5.2014. 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 Judicial Magistrate, 1st Class, Muzaffarpur in connection with Tr. No.518/2013 arising out of Complaint Case No.888/13, 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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