

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38818 of 2014**

Arising Out of PS.Case No. -1407 Year- 2012 Thana -BHAGALPUR COMPLAINT CASE District-  
BHAGALPUR

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1. Santosh Razak Son of late Ashok Razak, resident of Village - Rasalpur,  
Near Durga Asthan, P.S. Rashalpur (Kahalgaon), Distt - Bhagalpur

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Archana Devi, wife of Santosh Rajak, daughter of Laxman Rajak,  
resident of village Kajipura Ward No. 3, P.S.- Kahalgaon, District-  
Bhagalpur.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

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

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**ORAL ORDER**

3      13-04-2015                      The petitioner figured as accused in  
  
Complaint Case No.1407/2012, 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.661/14 in the court of learned Sessions Judge,  
  
Bhagalpur. The learned Judge rejected the application  
  
through order dated 12.8.2014. 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., Bhagalpur in connection with Complaint Case No.1407/2012, 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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