

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29984 of 2014

Arising Out of PS.Case No. -2833 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE

District- MUZAFFARPUR

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Sharad Goenka Son of Sajjan Kumar Goenka Resident of 29, Cantonment,
Shilong-.S. Sadar, District- East Khasi Hills (Meghalaya).

.... Petitioner/s

Versus

1. The State of Bihar
2. Khusbu Goenka @ Khusbu Jindal D/o Sri Ramavatar Jindar, R/o
Mohalla Sikandarpur, Near Navdurga Kalimandir (Jindal House), PS
Town & Distt. Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priya Gupta

For the Opposite Party/s : Mr. A.Dayal, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 02-07-2015

This application under Section 438 CrPC is filed with a prayer for grant of anticipatory bail to the petitioner who is an accused in relation to Complaint Case No. 2833/2012(TR No. 2202/2013-1986/14) for the offence punishable under Sections 323, 498A, 34 of the Indian Penal Code and under Section 3/ 4 of the Dowry Prohibition Act pending in the court of learned Sub Divisional Judicial Magistrate, East Muzaffarpur.

Apprehending his arrest, the petitioner filed ABP No.371/2014 in the court of the learned Sessions Judge, Muzaffarpur. The same was rejected through order dated 2.4.2014.

Heard learned counsel for the petitioner and the

learned Additional Public Prosecutor.

The allegation against the petitioner is referable to Section 498A IPC. In the recent past, the Hon’ble Supreme Court held that arrest and continued detention, in cases registered under Section 498A IPC, is almost unwarranted. Therefore, it is not at all necessary to arrest an accused in a case of that nature.

Hence, this application is allowed. It is directed that in the event of his arrest, the petitioner, namely, Sharad Goenka shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, East Muzaffarpur, in connection with Complaint Case No. 2833 of 2012 (TR No. 2202/2013/1986/2014), subject to the conditions as laid down under Section 438(2) CrPC.

It is further directed that in case the complainant-wife intends to join the petitioner, he shall be under obligation to take and maintain her. If the petitioner refuses to maintain her, the anticipatory bail shall stand cancelled.

(L. Narasimha Reddy,CJ)

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