

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30815 of 2014

Arising Out of PS.Case No. -1354 Year- 2007 Thana -COMPLAINT CASE District- JAMUI

Manish Rajak Son of Sitabi Rajak resident of village- Mahuligarh, Police Station- Gidhaur, District- Jamui

..... Petitioner/s

Versus

1. The State of Bihar

2. Urmila Devi Wife of Manish Rajak, Daughter of Tufani Rajak resident of village- Nichali Sewa, P.S.- Gidhaur, District- Jamui

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Opposite Party/s : Mr. Md. Ansharul Haque, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

8 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. 1354C of 2007 for the offence punishable under Sections 323 and 498A 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, Jamui.

Apprehending his arrest, the petitioner filed ABP No. 1123 of 2013 in the court of the learned Sessions Judge, Jamui. The same was rejected through order dated 6.12.2013.

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, Manish Rajak 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, Jamui, in connection with Complaint Case No. 1354C of 2007, 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)

mrl

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