

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42098 of 2014

Arising Out of PS.Case No. -140 Year- 2013 Thana -MAHILA P.S. District- PATNA

Md. Islam Ali @ Islam Ali Ansari Son of Shaukat Ali Ansari Resident of Village - Mithi Khari, Near Jangal Shah Baba, Police Station - Bildar, Dist.- Surat (Gujarat)

.. Petitioner/s

Versus

1. The State of Bihar
2. Najma Praveen W/o Md. Islam Ali @ Islam Ali Ansari D/o Md. Sayad, R/o Milki Mohalla, PS Ara Nagar, District Bhojpur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 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 Ara (Sadar) Mahila PS Case No. 140/2013 for the offence punishable under Sections 498A, 323, 406/34 of the IPC and under Section 3/4 of the Dowry Prohibition Act pending in the court of the Chief Judicial Magistrate, Bhojpur at Ara.

Apprehending his arrest, the petitioner filed ABA No.847/2014 in the court of learned Sessions Judge, Bhojpur at Ara. The same was rejected through order dated 6.9.2014.

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, Md. Islam Ali @ Islam Ali Ansari 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara (Town) Mahila PS Case No. 140/2013, 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	
---	--	---	--