

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48837 of 2014

Arising Out of PS.Case No. -2875 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Aftab Alam S/o Syed Jahangir Resident of village - Balahi, P.S. Turkauila,
District - Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Fatma Khatoon, W/o Aftab Alam, at present resident of Vill. Jhadwa, PS
Harsidhi, Dist. E. Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary, APP

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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 connection with Trial No. 5544 of 2014 arising out of Complaint Case No.C-2875/2012 for the offence punishable under Sections 498A, 323, 504 of the Indian Penal Code pending in the court of the Chief Judicial Magistrate, Motihari.

Apprehending his arrest, the petitioner filed ABP No. 563 of 2014/1186 of 2014 in the court of learned Sessions Judge, East Champaran at Motihari. The same was rejected through order dated 7.11.2014.

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, Aftab Alam 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, Sadar, Motihari, in connection with Trial No. 5544 of 2014 arising out of Complaint Case No. 2875/2012, 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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