

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51487 of 2014

Arising Out of PS.Case No. -1241 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

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Bare Lal Mahto Son of Late Rajendra Mahto Resident of village - Banidar,
Police Stati Daudpur, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Devi w/o Bare Lal Mahto, Vill. Banwar, PS Daudpur, District Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghwendra Kumar

For the Opposite Party/s : Mr. Shardanand Jha, 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 relation to Complaint Case No. 1241/2013 for the offence punishable under Sections 498A in the court of the Sub Divisional Judicial Magistrate, Saran at Chapra.

Apprehending his arrest, the petitioner filed ABP No.624/2014 (3891 of 2014) in the court of learned Sessions Judge, Saran at Chapra. The same was rejected through order dated 19.9.2014.

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, Bare Lal Mahto 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, Saran at Chapra, in connection with Complaint Case No. 1241 of 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)

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