

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51921 of 2014

Arising Out of PS.Case No. -143 Year- 2014 Thana -BALRAMPUR District- KATI HAR

Abu Saleh Son Mazhryl Islam R/o Nababganj Khakhrit, P.S. Baisi, District
- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sahjadi Begum D/o Kazi Haziruddin, wife of Abu Saleh R/o Village
Nawabganj Pakharia, P.S. Baisi, District Purnea, at present Birnagar, P.S.
Balrampur, District - Katihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. S.N.Shukla, 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 Balrampur PS Case No. 143/2014 for the offence punishable under Sections 498A, 323/34 IPC read with Section 3/4 of the Dowry Prohibition Act pending in the court of the Chief Judicial Magistrate, Katihar.

Apprehending his arrest, the petitioner filed ABP No.1101/2014 in the court of learned Sessions Judge, Katihar. The same was rejected through order dated 25.11.2014.

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, Abu Saleh 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, Katihar, in connection with Balrampur PS Case No.143/2014, 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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