

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37444 of 2014

Arising Out of PS.Case No. -433 Year- 2009 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

=====

Md. Kasim Nadaf Son of Md. Tafir Uddin Resident of Village -
Jahagirapur Baishi, P.S. - Rangracowk Gopal Pur, District- Bhagalpur.

..... Petitioner/s

Versus

1. The State of Bihar. null null
2. Raja Khatoon @ Rojida Khatoon D/o Md. Hamid, Resident of Village -
Maya Gawn Goryashi, P.S. - Parbatta, District- Khagaria.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Laxmi Kant Sharma, APP

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 09-07-2015

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 Complaint Case No. 433C/2009 for the offence punishable under Section 498A of the Indian Penal Code, pending in the court of Sub Divisional Judicial Magistrate, Khagaria.

Apprehending his arrest, the petitioner filed ABP No. 194/2014 in the court of learned Sessions Judge, Khagaria. The same was rejected through order dated 28.5.2014. Hence, this application.

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. Kasim Nadaf, 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 Sub Divisional Judicial Magistrate, Khagaria, in connection with Complaint Case No.433C/2009, 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	
---	--	---	--