

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42038 of 2014

Arising Out of PS.Case No. -23 Year- 2014 Thana -MAHILA P.S. District- VAISHALI(HAJIPUR)

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Kumar Sameer @ Raja Yadav @ Swaraj Pratap Singh, son of Subhash Singh, resident of village Khilwat, P.S. Bidupur, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Punam Kumari, daughter of Nageshwar Pd. Singh, Resident of village Kashipur Chakbibi, P.S. Raja Pakar, District Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

5 30-07-2015

The petitioner figured as accused in Mahila P.S.

Case No.23 of 2014,wherein the offences punishable under Section 498A read with Section 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act are alleged.

Apprehending his arrest, the petitioner filed ABP No.1552 of 2014 before the Sessions Judge, Vaishali at Hajipur. The same was rejected, through order dated 20.09.2014. Hence, this application for grant of anticipatory bail under Section 438 Cr. P.C.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

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. In the event of arrest or surrender, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Vaishali at Hajipur in connection with Mahila P.S. Case No.23 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C.

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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