

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37626 of 2014

Arising Out of PS.Case No. -54 Year- 2014 Thana -PANAPUR District- SARAN

Jitendra Prasad son of late Jawahar Prasad, resident of village- Jipura, P.S.
Panapur, District Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 16-01-2015

The petitioner is an accused of committing offence punishable under Section 498A, IPC. He has been arrested by the concerned police and is in prison since 1.7.2014.

Petitioner filed BP No. 1297 of 2014 in the court of Ad hoc Additional Sessions Judge -V, Saran at Chapra. The petition was rejected by the Additional Sessions Judge through order dated 22.8.2014. Hence, this application.

Heard Mr. Mukesh Kumar Singh, learned counsel for the petitioner and Mr. Sanjay Kumar Pandey, learned APP.

Time and again the Hon'ble Supreme Court and the High Courts have been pointing out the misuse of the provision of Section 498A, IPC. It has been observed that it has become a practice to falsely implicate innocent persons by invoking Section 498A, IPC, and arrests shall be an exception in the cases in which

the offence is referable only to Section 498A, IPC.

This application is allowed. The petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (Rs. ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Saran, Chapra in connection with Panapur PS Case No.54 of 2014.

(L. Narasimha Reddy,CJ)

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