

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39530 of 2014

Arising Out of PS.Case No. -2595 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Anisoor Rahman, son of Md. Hussain, resident of Village Parasrai, Police
Station Amour, District Purnia

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For te Petitioner/s : Mr. Vikram Singh

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 16-01-2015 The wife of the petitioner has submitted a complaint
alleging the act of harassment and a case under section 498A and
other relevant provisions of the Indian Penal Code was registered.

On earlier occasion, the petitioner was granted
anticipatory bail. However, thereafter he was arrested on 4.8.2014
alleging that the conditions were not complied with. The petitioner
filed BP No. 620 of 2014 before the Sessions Judge, Katihar. In
course of hearing of the bail petition, the petitioner was produced
before the court and his prayer for bail was rejected only on the
ground that the petitioner did not come forward with any
admission of his mistake and fault. The trial court dismissed the
petition through order dated 26.8.2014. Hence, this application.

It is rather unfortunate that the trial court did not

understand the basis of the parameters to be applied in the cases filed under Section 439, Cr.P.C. It is just not understandable as to how the incompatibility between the parties can be a ground to reject the prayer for bail.

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, Katihar, in connection with C A No. 2595/2012

(L. Narasimha Reddy,CJ)

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