

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4719 of 2014

Arising Out of PS.Case No. -770 Year- 2012 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

Satendra Kumar @ Satendra Kahar S/O Late Lallu Kahar Resident Of
Village- Konki Polication- Sheo Bagar (Baddi), District- Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar
2. Asha Devi wife of Satyendra Kahar, resident of Vill. Kauki, PS Sheosagar, District Rohtas

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Rajiv Nayan, 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 Complaint Case No. 770/2012 for the offence punishable under Sections 406, 498A of the IPC and Section 3/4 of the Dowry Prohibition Act pending in the court of the Chief Judicial Magistrate, Rohtas at Sasaram.

Apprehending his arrest, the petitioner filed ABA No.1557/2013 in the court of learned Sessions Judge, Rohtas. The same was rejected through order dated 11.12.2013.

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, Satendra Kumar @ Satendra Kahar 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, Rohtas at Sasaram, in connection with Complaint Case No. 770 of 2012, 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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