

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32915 of 2014

Arising Out of PS.Case No. -3834 Year- 2013 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Nitish Kumar @ Vikkee Kumar son of Deo Prakash Mandal resident of
Mohalla - Gurudwara Road, Keshopur Jamalpur, Police Station - Jamalpur,
District - Munger.

. Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 23-07-2015

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. 3834 of 2013 for the offence punishable under Section 498A of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act, pending in the court of Sub Divisional Judicial Magistrate, Vaishali at Hajipur.

Apprehending his arrest, the petitioner filed ABP No. 1021/2014 in the court of learned Sessions Judge, Vaishali at Hajipur. The same was rejected through order dated 17.7.2014. 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, Nitish Kumar @ Vikkee Kumar, 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, Vaishali at Hajipur, in connection with Complaint Case No.3834/2013, 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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