

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17618 of 2014

Arising Out of PS.Case No. -464 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Om Prakash Chaudhary son of Singhasan Choudhary, resident of Village
Salaha Bariyarawa, PS Chautarwa, District West Champaran

.... Petitioner/s

Versus

1. State of Bihar
2. Kamal Devi wife of Shri Om Prakash Choudhary, daughter of Chhotak Choudhary, resident of Village -Salaha Bariyarawa, PS Chautarwa, District West Champaran, at present resident of village Hardi Nadwa, PS Chautarwa, Dist. West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr. Ram Sewak Choudhary, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 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. 464C/2012 for the offence punishable under Sections 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act pending in the court of the Sub Divisional Judicial Magistrate, Bettiah, West Champaran.

Apprehending his arrest, the petitioner filed ABP No.500 of 2013 in the court of learned Sessions Judge, Bettiah, West Champaran. The same was rejected through order dated 25.3.2014.

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, Om Prakash Choudhary 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 Sub Divisional Judicial Magistrate, Bettiah, West Champaran, in connection with Complaint Case No. 464C of 2012 (Trial No.795 of 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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