

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37834 of 2014

Arising Out of PS.Case No. -1973 Year- 2009 Thana -PATNA COMPLAINT CASE District-
PATNA

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Amrit Anand @ Chhotu, son of Panchanand Ojha, resident of Mohalla -
Ashok Nagar, Near Dwarika Chowk, Kankarbagh, District Patna, presently
residing at Kusum Vihar, Colony Saraidhela, P.S. Saraidhela, District
Dhanbad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Advocate
Mr. Alok Kumar Rahi, Advocate
For the State : Mr. Gopesh Kumar, A.P.P.
For the complainant : Mr. Anand Kumar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 14-01-2015 The petitioner is being tried on a complaint

submitted by his wife alleging offence punishable under Section

498A of the Indian Penal Code.

The only allegation against the petitioner is that he

demanded certain amount. No physical acts whatever were

attributed to him.

B.P.No.18845 of 2014 was filed by the petitioner

before the Additional Sessions Judge-VI, Patna which was

dismissed on 22.08.2014.

Heard Sri Abhinay Raj, learned counsel for the

petitioner, Sri Gopesh Kumar, learned A.P.P. for the State and

Sri Arvind Kumar Pandey, learned counsel for the complainant.

This is an instance of gross misuse of the provision of Section 498A of the Indian Penal Code. Obviously by taking note of the weakness of the allegation against the petitioner, the trial Court granted anticipatory bail. That, however, was recalled only on the ground that counselling between the petitioner and his wife failed. The learned 6th Additional Sessions Judge was so insensitive that he did not even mention the justification for keeping the petitioner in prison and has just put the seal of approval on the cancellation of bond and putting the petitioner behind the bar.

Hence, this application is allowed. The petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Complaint Case No.1973(C) of 2009.

(L. Narasimha Reddy, CJ)

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