

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40605 of 2014

Arising Out of PS.Case No. -853 Year- 2013 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Abdul Kadir Son of Hafiz Ahmad Raza resident of village- Noor Chak
Navtoli, P.S.- Bisfi, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Nuzhat Praveen, daughter of Jakir Hussain, resident of village Kakorba,
P.S.- Bisfi, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Anil Prasad Singh (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015 The petitioner figured as accused in Complaint
Case No. 853/2013, T.R. No.4727/2013, registered on the
basis of a complaint submitted by the wife of the petitioner
alleging offences including one punishable under Section-
498A of I.P.C. Apprehending arrest, the petitioner filed
A.B.P. No. 131/14 (C.F.) in the court of learned Sessions
Judge, Madhubani. The learned Judge rejected the
application through order dated 29.8.2014. Hence, this
application for grant of anticipatory bail under Section-438
of Cr.P.C.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Whether one goes by the nature of allegations
or the law laid down by the Supreme Court in the recent
past, the arrest of a person who figured as accused in a case

wherein offences punishable under Section-498A of I.P.C. is alleged, is not at all warranted.

Therefore, the application is allowed.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of C.J.M., Madhubani in connection with Complaint Case No. 853/2013, T.R. No.4727/2013, subject to the conditions that:-

(a) if any arrangement has been ordered by this Court on earlier occasion, it shall be in force till the disposal of the case before the trial court;

(b) the petitioner shall be under obligation to live with and maintain his wife, if she is otherwise willing; and

(c) disposal of this application shall be without prejudice to the proceedings for mediation, if any.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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