

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43209 of 2014

Arising Out of PS.Case No. -246 Year- 2013 Thana -SARAN COMPLAINT CASE District-
SARAN

Harendra Mahto Son of Dindayal Mahto Resident of Village - Baldihan,
P.O. - Baldihan, Via nour, P.S. - Amnour, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Usha Devi W/o Harendra Mahto, D/o Ganesh Mahto, R/o Vill. Saiyad Sarai, PO Saiyad Sarai via Garkha PS Garkha, Distt. Saran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh

For the Opposite Party/s : Mr. Meena Singh, 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 connection with Tr. No. 2242 of 2014 arising out of Complaint Case No. 246 of 2013 for the offence punishable under Sections 498A, 323, 379/34 of the IPC pending in the court of the Sub Divisional Judicial Magistrate, Chapra.

Apprehending his arrest, the petitioner filed ABA No.713/2014 in the court of learned Sessions Judge, Chapra. The same was rejected through order dated 11.8.2014.

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, Harendra Mahto 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, Chapra, in connection with Tr. No. 2242/2014 arising out of Complaint Case No. 246/2013, 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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