

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49783 of 2014

Arising Out of PS.Case No. -716 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

Sikander Rai @ Sikander Kumar son of Gopal Rai resident of Village -
Banni, P.O. - Shahpur Patti, Police Station - Dewaria, District -
Muzaffarpur.

..... Petitioner/s

Versus

1. The State of Bihar.
2. Kajal Devi D/o Rameshwar Prasad Singh r/o Vill - Rajarampur, P.S. -
Saraiya, Distt. - Muzaffarpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vandana Singh

For the Opposite Party/s : Mr. Zainul Abedin, 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 relation to Complaint Case No. 716/2012/ Trial No. 4327/2014 for the offence punishable under Sections 498A of the IPC in the court of the Sub Divisional Judicial Magistrate, Muzaffarpur.

Apprehending his arrest, the petitioner filed ABP No.1585/2014/ in the court of learned Sessions Judge, Muzaffarpur. The same was rejected through order dated 7.11.2014.

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, Sikander Rai @ Sikander 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 learned Sub Divisional Judicial Magistrate, Muzaffarpur, in connection with Complaint Case No.716/2012, Trial No. 4327/2014, 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)

mrl

U		T	
---	--	---	--