

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49531 of 2014

Arising Out of PS.Case No. -142 Year- 2013 Thana -MAHILA P.S. District- BHOJPUR

Ravi Kumar @ Ravi Shankar Rai Son of Shivji Rai Resident of Village -
Basantpur, Police Station- Narhi, District - Baliya (Uttar Pradesh) at Present
residing at P.C. Colony (Neki) Police Station - Neki, District - Allahabad
(Uttar Pradesh)

..... Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi Wife of Ravi Kumar daughter of Shiyaram Rai Resident of
Village - Bhat Bigha, Police Station - Chauri, District - Bhojpur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 09-07-2015 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 Bhojpur Mahila PS Case No. 142 of 2013 for the offence punishable under Section 498A/34 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act, pending in the court of Chief Judicial Magistrate, Bhojpur at Ara.

Apprehending his arrest, the petitioner filed ABP No. 161 of 2014 in the court of learned Sessions Judge, Bhojpur, Ara. The same was rejected through order dated 13.11.2014. Hence, this application.

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, Ravi Kumar @ Ravi Shankar Rai, 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 Chief Judicial Magistrate, Bhojpur at Ara, in connection with Bhojpur Mahila PS Case No. 142 of 2013 corresponding GR No. 5039 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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