

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50027 of 2014

Arising Out of PS.Case No. -143 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

Sanjiv Kumar son of late Shital Prasad resident of village - Naya Tola,
Madhopur, P.S. Bakhtpur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sapana Kumari w/o Sanjeeb Kumar & d/o Sudhir Prasad Jaiswal,
Resident of Naya Tola, Madhopur, PO & PS Bakhtiyarpur, Dist. Patna
(Near St. Joseph School) at present residing near Bakhtiyarpur Police
Station, Ward no.07, Dt. Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Duresh Nandan, 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. 143(C)/2014 for the offence punishable under Sections 498A of the IPC in the court of the Additional Chief Judicial Magistrate, Barh, Patna.

Apprehending his arrest, the petitioner filed ABP No.211/2014 in the court of learned Additional Sessions Judge I, Barh, Patna. The same was rejected through order dated 12.08.2014.

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, Sanjiv 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 Additional Chief Judicial Magistrate, Barh, Patna in connection with Complaint Case No. 143 (C)/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)

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