

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3779 of 2014

Arising Out of PS.Case No. -465 Year- 2013 Thana -LAHERIASARAI District- DARBHANGA

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1. Sanjay Kumar Sharma Son Of Sri Ram Abodh Sharma Resident Of
Village - Phulhara, P.S. - Kalyanpur, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Asmita Kumari @ Guriya Kumari, wife of Sanjay Kr. Sharma, resident
of Village - Phulhara, P.S. - Kalyanpur, District – Samastipur, at
present R.B. Memorial Bachcha Ward, Beta Chowk, P.S.- Lakhisarai,
District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Ansuiya Jaiswal(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

6 13-04-2015 The petitioner figured as accused in

Laheriasarai P.S. Case No.465 of 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.1400 of 2013 in the court of

learned Sessions Judge, Darbhanga. The learned Judge

rejected the application through order dated 4.1.2014.

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.

The order dated 25.3.2014 granting provisional anticipatory bail to the petitioner shall be treated as one granting anticipatory bail subject to the conditions that:-

(a) if any arrangement has been 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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