

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3998 of 2014

Arising Out of PS.Case No. -1 Year- 2013 Thana -MAHILA P.S. District- VAISHALI(HAJIPUR)

1. Nikhil Kumar S/O Sri Dharmnath Prasad Rai Resident Of Village-
Erajisahajpur, P.S.- Hajipur, District- Vaishali Presently 1st Floor Ramayan
Enclave Bank Colony, P.S.- Koko, Ranchi (Jharkhand).

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Shakir Ahmad(App)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

7 13-04-2015

The petitioner figured as accused in Hajipur (Mahila) P.S. Case No.01 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.1521/2013 in the court of learned Sessions Judge, Vaishali at Hajipur. The learned Judge rejected the application through order dated 10.1.2014. 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 7.3.2014 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 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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