

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9059 of 2014

Arising Out of PS.Case No. -215 Year- 2009 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Md. Nasir @ Nasiruddin Son Of Md. Yasin Marhum Resident Of
Village-Uchauli, P.S.-Madanpur, District-Aurangabad. (Bihar).

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sayara Khatoon Wife Of Md. Nasir @ Nasiruddin Daughter Of
Maniruddin Resident Of Village+P.O.-Uchauli, P.S.-Madanpur, District-
Aurangabad (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Adv.

For the Opposite Party/s : Mr. U.S.P. Singh (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 13-04-2015 The petitioner figured as accused in

Complaint Case No.215/09 (Tr. No.3008/11), 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.640/11 in the court of learned

Sessions Judge, Aurangabad. The learned Judge rejected

the application through order dated 25.11.2011. 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 29.4.2014 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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