

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15964 of 2014

Arising Out of PS.Case No. -220 Year- 2013 Thana -MANIGACHI District- DARBHANGA

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1. Md. Mustufa @ Md. Mustafa Son Of Md Abdul Rahim R/O Jagannathpur, P.S. Manigachhi, District-Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sahana Khattoon, wife of Md. Mustufa @ Md. Mustafa, resident of Jagannathpur, P.S.- Manigachhi, District- Darbhanga, at present Sahana Khattoon, wife of Md. Mustafa, Daughter of Md. Kismat Kunjara, P.O.- Kurso Nandiari, resident of Alinagar Dhamura, P.S.- Alinagar, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Adv.

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 13-04-2015 The petitioner figured as accused in Manigachhi P.S. Case No.220/2013, 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.1425/13 in the court of learned Sessions Judge, Darbhanga. The learned Judge rejected the application through order dated 21.12.2013. 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 24.4.2014 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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