

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23975 of 2014

Arising Out of PS.Case No. -191 Year- 2013 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Amitabh Singh S/o Birendra Kumar Singh R/o Village Gariba Khap
Tola, P.O. Gariba, P.S. Kalyanpur, District East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nitu Kumari W/o Amitabh Singh and D/o Rup Narayan Singh R/o
Village Gariba Khap Tola, P.O. Gariba, P.S. Kalyanpur, District East
Champaran (Motihari).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015 The petitioner figured as accused in Kalyanpur P.S. Case No. 191/2013 (G.R. No.4204/13), 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.2748/13 in the court of learned District & Sessions Judge, East Champaran (Motihari). The learned Judge rejected the application through order dated 1.5.2014. 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.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of C.J.M., East Champaran (Motihari), in connection with Kalyanpur P.S. Case No. 191/2013 (G.R. No.4204/13) 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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