

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24917 of 2014

Arising Out of PS.Case No. -2763 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Ashok Sahani Son of Sri Manager Sahni
 2. Manager Sahani Son of Raghuni Sahni
 3. Manoj Sahani Son of Manager Sahani
 4. Raju Sahani Son of Manager Sahani
 5. Ramesh Sahani Son of Manager Sahani
 6. Vidur Sahani Son of Manager Sahani
 7. Shushila Devi W/o Manager Sahani
 8. Murat Devi W/o Sri Raju Sahani
 9. Mintu Kumari D/o Manager Sahani All are resident of village - Utari Mansingha, Police Station - Sugauli, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi Daughter of Sri Panchanand Sahani Resident of Village - Muswa, Police Station - Sugauli, District - East Champaran

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. Nagendra Prasad (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015 The petitioners figured as accused in Trial No.634/2014 arising out of Complaint Case No.2763/2011, registered on the basis of a complaint submitted by the wife of the petitioner No.1, alleging offences including one punishable under Section-498A of

I.P.C. Apprehending arrest, the petitioners filed A.B.P. No.15.5.2014 in the court of learned Sessions Judge, East Champaran at Motihari. The learned Judge rejected the application through order dated 15.5.2014. Hence, this application for grant of anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioners 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 24.9.2014, granting provisional anticipatory bail to the petitioners 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 No.1 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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