

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29823 of 2014

Arising Out of PS.Case No. -2784 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

- =====
1. Bahajan Khatoon, wife of Late Taiyab Dewan
 2. Arshe Ajam, son of Late Taiyab Dewan,
 3. Najama Khatoon, daughter of Late Taiyab Dewan
 4. Jamshed Alam, son of Late Jahir Dewan
 5. Menna Khaton, wife of Arshe Azam
 6. Nurani Khatoon, daughter of Late Taiyab Dewan
- All residents of village Dilawarpur Dargah Tola, P.S.- Kalyanpur, District-
East Champaran..

.... Petitioner/s

Versus

1. The State of Bihar
2. Safina Khatoon, daughter of Md. Saifullah Dewan, resident of village
Tripur Tola, Gopalpur,, P.S.- Sugauli, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015 The petitioners are the in-laws of the complainant who figured as accused in Trial No.56 of 2014 arising out of Complaint Case No.C-2784 of 2014, registered on the basis of a complaint submitted by the wife of accused Naiyer Azam alleging offences including one punishable under Section-498A of I.P.C. Apprehending arrest, the petitioners filed A.B.P. No.429 of 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 persons 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 petitioners are directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) each, along with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, East Champaran at Motihari in connection with Complaint Case No.C-2784/2012, subject to the conditions that:-

(a) if any arrangement ordered by this Court on earlier occasion, it shall be in force till the disposal of the case before the trial court;

(b) 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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