

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7320 of 2014

Arising Out of PS.Case No. -1100 Year- 2012 Thana -BEGUSARAI COMPLAINT CSAE District-
BEGUSARAI

=====

Md. Jainul Abedin @ Md. Jainul, Son Of Md. Ahmad, R/O- Village
Bagban, P.S.- Bakhri, Distt.- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. Salma Khatoon Wife Of Md. Jainul Resident Of Village Bagban, P.S.-
Bakhri, Distt.- Begusarai And Daughter Of Md. Aslam Resident Of Bak
Bishanpur, P.S.- Ballia, District- Begusarai

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Gajendra Pd. Yadav (App)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

5 02-07-2015

The petitioner figured as accused in Complaint Case
No.1100 of 2012 in which cognizance for the offences
punishable under Sections 498A, 379 and 34 of the Indian Penal
Code and Section 4 of the Dowry Prohibition Act has been taken
by the trial Court. Apprehending his arrest, the petitioner filed
ABP No.1394 of 2013 before the Sessions Judge, Begusarai. The
same was rejected through order dated 07.01.2014. Hence, this
application for grant of anticipatory bail under Section 438 Cr.
P.C.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The allegation against the petitioner is referable to

Section 498A IPC. In the recent past, the Hon'ble Supreme Court held that arrest and continued detention, in cases registered under Section 498A IPC, is almost unwarranted. Therefore, it is not at all necessary to arrest an accused in a case of that nature.

Hence, this application is allowed. In the event of arrest, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Begusarai in connection with Complaint Case No.1100 C of 2012, subject to the conditions as laid down under Section 438(2) Cr. P.C..

It is further directed that in case the complainant-wife intends to join the petitioner, he shall be under obligation to take and maintain her. If the petitioner refuses to maintain her, the anticipatory bail shall stand cancelled.

(L. Narasimha Reddy, CJ)

Sunil/-

U		T	
---	--	---	--