

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31145 of 2014

Arising Out of PS.Case No. -3416 Year- 2010 Thana -SARAN COMPLAINT CASE District-
SARAN

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Jai Prakash Singh S/o late Basudeo Singh R/o Baidapur Vishunpura P.S.-
Daraunda, District- Siwan.

..... Petitioner/s

Versus

1. State of Bihar
2. Seema Singh D/o Nageshwar Prasad Singh R/o Veer Kunwar Singh
Colony, PS Bhagwan Bazar, Distt.Saran (Chapra)

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. M.K.Khare, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 02-07-2015

This application under Section 438 CrPC is filed with a prayer for grant of anticipatory bail to the petitioner who is an accused in relation to Complaint Case No. 3416 of 2010 (Tr. No.2077 of 2012) for the offence punishable under Sections 323, 498A of the Indian Penal Code pending in the court of learned Sub Divisional Judicial Magistrate, Saran (Chapra).

Apprehending his arrest, the petitioner filed ABP No.1868/2013 in the court of the learned Sessions Judge, Saran (Chapra). The same was rejected through order dated 21.3.2014.

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

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. It is directed that in the event of his arrest, the petitioner, namely, Jai Prakash Singh shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Saran (Chapra), in connection with complaint Case No. 3416 of 2010, subject to the conditions as laid down under Section 438(2) CrPC.

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)

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