

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34710 of 2014

Arising Out of PSe No. -209 Year- 2013 Thana -RUPASPUR District- PATNA

Sri Chandrashekhar Sharma, age about 25 years, S/o Sri Rajendra Sharma, resident of Village Larwak (Bhatpurwa), PS Kachawa, District Mirzapur, State Uttar Pradesh, Presently residing at Jokhan Maurya ki chawl, Makbul Compound, Pawan bari, Samta ram talab, PS Kurer, Malad E. Mumbai, Maharashtra

.... Petitioner/s

Versus

1. State of Bihar
2. Mrs. Pooja Devi D/o Sri Kamala Rai, resident of Muhalla Kaliket Nagar, PS Rupaspur, District Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Shankar Choudhary

For the Opposite Party/s : Mr. Anil Kumar Singh, APP

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 Rupaspur PS Case No. 209/2013 for the offence punishable under Sections 498A of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act pending in the court of Sri Pankaj Chauhan, Judicial Magistrate 1st Class, Danapur, Patna.

Apprehending his arrest, the petitioner filed ABA No.19301/2014 in the court of learned Sessions Judge, Patna. The same was rejected through order dated 22.7.2014.

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, Chandrashekhar Sharma 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 Sri Pankaj Chauhan, Judicial Magistrate 1st Class, Danapur, Patna, in connection with Rupaspur PS Case No. 209/2013, 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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