

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34713 of 2014

Arising Out of PSe No. -226 Year- 2013 Thana -MASAURHI District- PATNA

Raushan Kumar S/o Ram Babu Sao, resident of Village Janipur Nagwan,
PS Janipur, District Patna

.... Petitioner/s

Versus

1. State of Bihar
2. Ramanti Devi W/o Raushan Kumar, resident of Village Bhaiswa, PS
Masaurhi, Dist. Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Rita Verma, 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 Masaurhi PS Case No. 226/2013 for the offence punishable under Sections 498A, 323 and 341/34 of the Indian Penal Code pending in the court of learned Sub Divisional Judicial Magistrate, Masaurhi, District Patna.

Apprehending his arrest, the petitioner filed ABP No.6144/2013 in the court of the learned Sessions Judge, Patna. The same was rejected through order dated 22.2.2014.

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, Raushan Kumar 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, Masaurhi, District Patna, in connection with Masaurhi PS Case No. 226/2013, 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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