

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39400 of 2013

Arising Out of PS.Case No. -24 Year- 2012 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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1. Gangasara Kuwar @ Gangeshwara W/O Late Uma Shankar Mishra Resident Of Nevras, P.O. Kudra, P.S. Kudra, District Kaimur.
 2. Dina Nath Mishra @ Dina Mishra S/O Late Uma Shankar Mishra Resident Of Nevras, P.O. Kudra, P.S. Kudra, District Kaimur.
 3. Sushila Devi W/O Dina Nath Mishra Resident Of Nevras, P.O. Kudra, P.S. Kudra, District Kaimur.
 4. Abhishek Kumar S/O Dina Nath Mishra Resident Of Nevras, P.O. Kudra, P.S. Kudra, District Kaimur.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Madhu Kunwar, wife of Late Birendra Mishra, resident of Mauza- Kudra, P.S.- Kudra, District- Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.

For the Opposite Party/s : Mr. M.Haque (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 13-04-2015 The petitioners figured as accused in Bhabhua (Mahila) P.S. Case No.24/2012, registered on the basis of a complaint submitted by Opposite Party No.2 alleging offences including one punishable under Section-498A of I.P.C. Apprehending arrest, the petitioners filed A.B.P. No.709/2012 in the court of learned Sessions Judge, Kaimur at Bhabhua. The learned Judge rejected the application through order dated 5.8.2013. 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 a person who figured as accused in a case wherein offence punishable under Section-498A of I.P.C. is alleged, is not at all warranted.

Therefore, the application is allowed.

The order dated 29.1.2015 granting provisional anticipatory bail to the petitioners shall be treated as one granting anticipatory bail subject to the conditions that:-

(a) if any arrangement has been 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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