

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51826 of 2013

Arising Out of PS.Case No. -1039 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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Binod Mahto Son Of Parichhan Mahto Resident Of Village- Raghapur,
P.S.- Fatehpur, District- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Rinku Devi Wife Of Binod Mahto, D/O Pavitra Mahto R/O
Village- Raghapur, P.S.- Fatehpur, District- Patna, And Present Yogeeupur,
H/O- Vijay Yadav, Post- Lohiyanagar, P.S.- Patrakar Nagar, Kankarbagh,
District- Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/ : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 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. 1039C/2012 for the offence punishable under Sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act pending in the court of the Chief Judicial Magistrate, Patna.

Apprehending his arrest, the petitioner filed ABA No.86/2013 in the court of learned Sessions Judge, Patna. The same was rejected through order dated 5.4.2013.

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, Binod Mahto 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 Chief Judicial Magistrate, Patna, in connection with Complaint Case No. 1039C/2012, 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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