

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40133 of 2014

Arising Out of PS.Case No. -101 Year- 2014 Thana -DUMRA District- SITAMARHI

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1. Santosh Kumar Jha Son of Late Tarkeshwar Jha R/o Village Parsauni,
P.S. Dumra, District Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar
2. Janaki Devi @ Pooja Jha, daughter of Sri Nikunt Jha, resident of village
Rasalpur, P.S.- Dumra, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

5 13-04-2015 The petitioner figured as accused in Dumra P.S. Case No.101 of 2014, registered on the basis of a complaint submitted by the wife of the petitioner alleging offences including one punishable under Section-498A of I.P.C. Apprehending arrest, the petitioner filed A.B.P. No.1086 of 2014 in the court of learned Sessions Judge, Sitamarhi. The learned Judge rejected the application through order dated 2.9.2014. Hence, this application for grant of anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioner 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 offences punishable under Section-498A of I.P.C. is alleged, is not at all warranted.

Therefore, the application is allowed.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of C.J.M., Sitamarhi, in connection with Dumra P.S. Case No.101 of 2014, 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) the petitioner shall be under obligation to live with and maintain his wife, if she is otherwise willing; and

(c) 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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