

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39889 of 2014

Arising Out of PS.Case No. -290 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

Ashirvad Mukhiya Son of Late Brahmdev Mukhiya, Resident of Village -
Gokhula, P.S. - Banjariya, District - East Champaran

.... Petitioner

Versus

1. The State of Bihar

2. Sakuran Devi @ Sampurna Devi, Wife of Ashirvad Mukhiya, Presently
residing Madhubani Ghat, P.S. - Motihari Muffassil, District - East
Champaran

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

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

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 16-01-2015

The petitioner is being tried for offence punishable
under Section 498-A of the Indian Penal Code. The petitioner has
been arrested and is in prison since 20.6.2014.

The petitioner filed Bail Petition No. 538 of 2014
in the court of 4th Additional Sessions Judge, Motihari and the
same was dismissed on 14.8.2014. Hence, this application.

The allegations against the petitioner are only
referable to Section 498-A, IPC. In the recent past Hon'ble
Supreme Court held that arrest and continued detention, in cases
registered under Section 498-A, IPC is almost unwarranted.

Therefore, further detention of the petitioner is not at all warranted.

Hence, the petition is allowed. The petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, in connection with Turkauliya PS Case No. 290 of 2014.

(L. Narasimha Reddy,CJ)

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