

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48514 of 2014

Arising Out of PS.Case No. -305 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

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1. Bhawan Sharma @ Bhawandeo Sharma Son Laxmi Sharma
 2. Laxmi Sharma Son of Kishun Sharma
 3. Bibha Devi W/O Laxmi Sharma
 4. Sanju Devi W/O Bhawandeo Sharma All are Resident of vill-Kanp Bharna, Dhau Tola, P.ur Bazar, Distt.-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. Gayatri Devi wife of Bhawan Deo Sharma D/o Late Asharfi Sharma, R/o Sileth (Belwara Tola) PS Sour Bazar, Distt. Saharsa

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. D.P.Tiwary, APP

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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 petitioners who are accused in relation to Sour Bazar PS Case No. 305/2014 for the offences punishable under Sections 498A, 323, 379, 494, 504, 506, 34 of the Indian Penal Code pending in the court of the Chief Judicial Magistrate, Saharsa.

Apprehending arrest, the petitioners filed ABA No.6648/2014 in the court of learned Sessions Judge, Saharsa. The same was rejected through order dated 22.10.2014.

Heard learned counsel for the petitioners and the learned Additional Public Prosecutor.

The allegation against the petitioners 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 arrest, the petitioners shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties each of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Sour Bazar PS Case No. 305/2014, 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-husband, he shall be under obligation to take and maintain her. If the petitioner-husband refuses to maintain her, the anticipatory bail shall stand cancelled.

(L. Narasimha Reddy,CJ)

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