

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9061 of 2014

Arising Out of PS.Case No. -2315 Year- 2012 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Vijay Tiwary Son Of Late Baban Tiwary Resident Of Village-Sirni Naika
Tola, P.S.-Malahi, District-East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sandhya Devi, Daughter of Bahadur Pandey, resident of village-
Bhatwaliya, P.S.- Sangrampur, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Hirday Pd. Singh (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 13-04-2015 The petitioner figured as accused in Trial

No.2776/2013 arising out of Complaint Case No.C 2315
of 2012, 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.2027
of 2013 in the court of learned Sessions Judge, East
Champaran. The learned Judge rejected the application
through order dated 31.1.2014. 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.

The order dated 29.4.2014, granting provisional anticipatory bail to the petitioner 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) 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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