

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18823 of 2014

Arising Out of PS.Case No. -676 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Prahlad Saw Son of Hira Lal Saw Resident of Village - Haura, P.S.-
Manpur, Distt- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabita Devi, daughter of Sri Raj Kumar Saw, resident of Mohalla
Dayachak, P.O.- Barh R.S., P.S.- Barh, District- Patna.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015 The petitioner figured as accused in

Complaint Case No.676-C 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.2798/2013 in the court of learned Sessions
Judge, Patna. The learned Judge rejected the application
through order dated 26.2.2014. 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 1.5.2014, 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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