

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25963 of 2014

Arising Out of PS.Case No. -609 Year- 2013 Thana -MOTIHARI CITY District-
EASTCHAMPARAN(MOTIHARI)

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1. Basant Tiwari @ Basant Kumar son of Harishankar Tiwari resident of
Mohalla - Belisarai,Motihari, P.O. Motihari, Police Station - Motihari
Town, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Sidhi Kumari @ Pinki wife of Basant Tiwari resident of Mohalla -
Belisarai,Motihari, P.O. Motihari, Police Station - Motihari Town, District -
East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

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

Town P.S. Case No.609 of 2013, 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.180 of 2014, in the court of learned Sessions

Judge, East Champaran at Motihari. The learned Judge

rejected the application through order dated 23.5.2014.

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 18.9.2014, 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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