

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29139 of 2014

Arising Out of PS.Case No. -1531 Year- 2012 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Md. Niyaz @ Niyaz @ Niyaz Ahamd, son of Marhum Md. Kalim @ Loda,
resident of village Bhelahi, P.S.- Kaluahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. Farhat Javi, daughter of Marhum Md. Kasim, resident of village Haripur
Kaji Tole, P.S.- Kaluahi, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sangita Sharma (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

5 13-04-2015

The petitioner figured as accused in Complaint Case No.1531 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.214/2014 in the court of learned Sessions Judge, Madhubani. The learned Judge rejected the application through order dated 6.6.2014. 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.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Madhubani in connection with Complaint Case No.1531 of 2012, 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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