

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29735 of 2014

Arising Out of PS.Case No. -2589 Year- 2012 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Md. Quamruzzaman Son of Late Azimuddin, Resident of Village-
Rangamatia, P.S.-Barsoi, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. Begham Ara, wife of Md. Quamruzzaman, daughter of Late Md.
Asiruddin, resident of village Rangmatia, P.S.- Barsoi, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Adv.

For the Opposite Party/s : Mr. Gopesh Kumar(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

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

Complaint Case No.C.A.2589/12, 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.189/14 in the court of learned

Sessions Judge, Katihar. The learned Judge rejected the

application through order dated 31.5.2014. 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.

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 S.D.J.M., Katihar in connection with Complaint Case No.C.A.2589/12, 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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