

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20631 of 2014

Arising Out of PS.Case No. -1873 Year- 2011 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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1. Fanindra Kumar Mishra S/o Chandrika Mishra Resident of Village Chatia, Police Station Malahi, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Alka Devi, D/o Birendra Thakur, resident of vill-Ganga Pipra, P.S. Paharpur, Dist-East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 25-06-2015 This application is filed under section 438 of the Code of Criminal Procedure with a prayer to grant anticipatory bail to the petitioner in connection with Complaint Case No. C-1873/11(Tr.No. 3095/13) , who is being tried for the offence punishable under section 498-A of the Indian Penal Code.

Apprehending his arrest the petitioner filed A.B.P. No. 1944 of 2013 in the court of Sessions Judge, Motihari, and the same was dismissed on 05-4-2014. Hence, this application.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The allegations against the petitioner are only referable to Section 498-A of the Indian Penal Code. In the recent

past Hon’ble Supreme Court held that arrest and continued detention in cases registered under section 498-A of the Indian Penal Code is almost unwarranted.

Hence, the petition is allowed. In the event of arrest , the petitioner shall be released on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Subdivisional Judicial Magistrate, Sadar Motihari, East Champaran, in connection with Complaint Case No. C 1873/11 (Trial No. 3095 of 2013), subject to the conditions as laid down under section 438(2) Cr.P.C.

(L. Narasimha Reddy,CJ)

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