

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38021 of 2014

Arising Out of PS.Case No. -3 Year- 2013 Thana -MAHILA P.S. District- SEKHPURA

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1. Chandan Kumar @ Chandan Yadav S/o Surendra Yadav @ Pandit
Resident of Village- Korma, P.S.- Warsaliganj, district- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
2. Suma Devi D/o Maheshwar Prasad, Resident of Village- Dhankaul, Post-
Bhojdih, P.S- Ariyari, District- Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 09-07-2015

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 Sheikhpura(Mahila)P.S. Case No. 3/2013, who is being tried for the offences punishable under section 498-A and other sections of the Indian Penal Code.

Apprehending his arrest, the petitioner filed A.B.A. No. 241/13 in the court of Additional District Judge, Sheikhpura, and the same was dismissed on 18-6-2013. Hence, this application is filed before this Court.

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, and it is directed that in the event of arrest, the petitioner above named shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura(Mahila)P.S.No. 3 of 2013, subject to the conditions as laid down under section 438(2) Cr.P.C. It is, however, directed that the petitioner shall be under obligation to live with and maintain his wife, the complainant, if she chooses. If he fails by intent to maintain her, the anticipatory bail shall be cancelled.

(L. Narasimha Reddy,CJ)

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