

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39301 of 2014

Arising Out of PS.Case -1964 Year- 2012 Thana -COMPLAINT CASE District- BANKA

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1. Ajit Singh Son of Sri Ghanshyam Singh (Husband of the Complainant)
 2. Ghanshyam Singh, Son of Late Durgvijay Singh (Father-in-law of Complainant)
 3. Savitri Devi, wife of Ghayshyam Singh (Mother-in-law of Complainant)
- All residents of Saharna, PS Barahat, District Banka

.... Petitioner/s

Versus

1. State of Bihar
2. Babita Devi wife of Ajit Singh, Daughter of Baleshwar Prasad Singh, resident of Vill. Lakhpura, PS Panjwara, Dist. Banka

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiva Kumar Singh

For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 02-07-2015

This application under Section 438 CrPC is filed with a prayer for grant of anticipatory bail to the petitioners who are accused in relation to Complaint Case No. 1964/2012 for the offence punishable under Sections 323, 498A, 379, 504, 506 of the Indian Penal Code pending in the court of the Sub Divisional Judicial Magistrate, Banka.

Apprehending arrest, the petitioners filed ABP No.1720 of 2014 in the court of learned Sessions Judge, Camp Court at Banka. The same was rejected through order dated 26.08.2014.

Heard learned counsel for the petitioner and the learned Additional Public Prosecutor.

The allegation against the petitioners is referable to

Section 498A IPC. In the recent past, the Hon’ble Supreme Court held that arrest and continued detention, in cases registered under Section 498A IPC, is almost unwarranted. Therefore, it is not at all necessary to arrest an accused in a case of that nature.

Hence, this application is allowed. It is directed that in the event of arrest, the petitioners shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties each of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Banka, in connection with Complaint Case No. 1964/2012, subject to the conditions as laid down under Section 438(2) CrPC.

It is further directed that in case the complainant-wife intends to join the petitioner, he shall be under obligation to take and maintain her. If the petitioner refuses to maintain her, the anticipatory bail shall stand cancelled.

(L. Narasimha Reddy,CJ)

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