

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27343 of 2014

Arising Out of PS.Case No. -1372 Year- 2011 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

Arbind Kumar, Son of Late Raj Kishore Prasad, resident of Mohalla Kabirganj, Choukhandi Path, Sasaram, PS Sasaram (T), District Rohtas, at present Aya Nagar, Phase -GH Block, Plot No.52, near Church, PS Mehrouli, District South Delhi (New Delhi)

.... Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Kunwar wife of Late Rup Narayan Prasad, resident of Village & PS Agrer, District Rohtas
3. July Devi @ Payal Devi, wife of Arbind Kumar, D/o Late Rup Narayan Prasad, at present residing at Village & PS Agrer, District Rohtas

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

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

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 petitioner who is an accused in relation to Complaint Case No. 1372/2011 for the offence punishable under Sections 498A of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act pending in the court of learned Sub Divisional Judicial Magistrate, Sasaram, Rohtas.

Apprehending his arrest, the petitioner filed ABP No.2837/2013 in the court of the learned Sessions Judge, Rohtas, Sasaram. The same was rejected through order dated 14.5.2014.

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

The allegation against the petitioner 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 his arrest, the petitioner, namely, Arbind Kumar shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sasaram, Rohtas, in connection with Complaint Case No. 1372/2011, 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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