

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35899 of 2014

Arising Out of PS.Case No. -1623 Year- 2011 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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Md. Nezam, son of Md. Israil, resident of village- Jalwara, P.S.- Keoti,
District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shamina Khatoon, wife of Md. Nezam, daughter of Abdul Kadir,
resident of village-Jalwara, P.S.- Keoti, District- Darbhanga. At present
resident of village Malmal, P.S.- Kaluahi, District- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 13-04-2015

The petitioner figured as accused in C.R. Case No.1623 of 2011, T.R. No.2625/2013, 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.899 of 2013 (320 of 2014) in the court of learned Sessions Judge, Madhubani. The learned Judge rejected the application through order dated 18.7.2014. 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 Judicial Magistrate, 1st Class, Madhubani in connection with C.R. Case No.1623 of 2011, T.R. No.2625/2013, 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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