

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40658 of 2014

Arising Out of PS.Case No. -63 Year- 2014 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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Sonu Kumar Rai, son of Chanderdeo Rai, resident of village- Panchpairiya,
P.S.- Raghopur, District- Vaishali. Petitioner/s

Versus

1. The State of Bihar
2. Makhan Kumar Rai, son of Late Madan Rai, resident of village
Jurawanpur, P.S.- Jurawanpur, District- Vaishali.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Veena Kumari Jaiswal (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 13-04-2015 The petitioner figured as accused in

Raghopur (Rustampur O.P.) P.S. Case No. 63/2014,

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. 1316/2014 in the

court of learned Sessions Judge, Vaishali at Hajipur.

The learned Judge rejected the application through

order dated 27.8.2014. 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Raghapur (Rustampur O.P.) P.S. Case No. 63/2014, 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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