

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40297 of 2014

Arising Out of PS.Case No. -152 Year- 2014 Thana -SURSAND District- SITAMARHI

Sanjay Kumar S/o Vilas Sah R/o Village + P.S. - Sursand, Distt. - Sitamarhi.

..... Petitioner/s

Versus

1. The State of Bihar
2. Ranjana Kumari Sah W/o - Sanjay Kumar, A/p - D/o - Ram Babu Sah, R/o - Village - Kalyanpur, P.S. - Mirchaiya, Distt. - Sirha(Nepal)

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha
For the State : Mr. Ahmad Ali, APP
For Opposite Party No. 2 : Mr. Hans Lal Kumar

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 Sursand PS Case No. 152/2014 for the offence punishable under Sections 341, 323, 498A/34 of the IPC and Section 3/4 of the Dowry Prohibition Act pending in the court of the Sub Divisional Judicial Magistrate, Pupri at Sitamarhi.

Apprehending his arrest, the petitioner filed ABP No.1030/2014 in the court of learned Sessions Judge, Begusarai. The same was rejected through order dated 11.08.2014.

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, Sanjay 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, Pupri at Sitamarhi, in connection with Sursand PS Case No. 152/2014, 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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