

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39604 of 2014

Arising Out of PS.Case No. -87 Year- 2014 Thana -SIMRI BAKHTIARPUR District- SAHARSA
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1. Duro Devi Wife of Chhedi Sah
2. Chhedi Sah Son of Ghuran Sah
3. Ashok Sah Son of Chhedi Sah All are resident of village - Badiya, P.S. - Bakhtiyarpur, District -Saharsa.
4. Krishna Sah @ Kishan Sah Son of Late Sonelal Sah
5. Sanju Devi @ Sanjo Devi Wife of Krishna Sah @ Kishan Sah Petitioner no. 4 and 5 are resident of village - Balha, P.S. - Bangaon, District- Saharsa.
.... Petitioner/s

Versus

1. The State of Bihar.
2. Soniya Devi Wife of Ashok Sah Resident of Village Badiya, P.S. - Bakhtiyarpur, District - Saharsa, at present residing in village - Singhaur, P.O. - Singhaur, District- Saharsa.
.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Bharat Lal(App)

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 13-04-2015 The petitioners figured as accused in Bakhtiyarpur P.S. Case No.87/2014, registered on the basis of a complaint submitted by the wife of petitioner No.3 alleging offences including one punishable under Section-498A of I.P.C. Apprehending arrest, the petitioners filed A.B.A. No.6402/2014 in the court of learned Sessions Judge, Saharsa. The learned Judge rejected the application through order dated 4.9.2014. Hence, this application for grant of anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioners 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 persons who figured as accused in a case wherein offence 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 petitioners are directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) each, along with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No.87/2014, 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) 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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