

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40186 of 2014

Arising Out of PS.Case No. -2159 Year- 2013 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Md. Monajeer, son of Abdul Sattar, resident of village Rakshi, P.S.- Korha,
District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Aliara Khatoon, daughter of Saitur Rahman, at present residing at
Thuti Bagh Neem Talla Sukhashan, P.S. Barari, District- Katihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. M.Dayal (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

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

Complaint Case No.2159/2013, 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. 771/2014 in the court of

learned,. The learned Judge rejected the application

through order dated 1.9.2014. 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 Sub-Divisional Judicial Magistrate, Katihar in connection with Complaint Case No.2159/2013, 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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