

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42162 of 2014

Arising Out of PS.Case No. -859 Year- 2011 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Khooblal Uraon S/o Late Patto Uraon Resident of Village Baijnathur
(Pranpur), P.S. Pranpur, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjo Devi W/o Khooblal Uraon, D/o Jhamlal Uraon @ Sohan Uraon
Resident of Village Bhakhripur, P.S. Mansahi, District Katihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Veena Rani Prasad (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. 859/2011, 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. 454/2014 in the court of

learned Sessions Judge, Katihar. The learned Judge

rejected the application through order dated 3.9.2014.

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 S.D.J.M., Katihar in connection with Complaint Case No. 859/2011, 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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