

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25246 of 2015

Arising Out of PS.Case No. -1075 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Pritam Jaiswal, son of Sri Udai Narayan Choudhary, R/o Village-
Tangra, P.S.- Belhar, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Khushboo Kumari, wife of Sri Pritam Jaiswal and D/o Arbind
Choudhary, R/o Vishal Market Sharda Nagar Bhanu Bus Stand near
N.H. 31 (East), P.S.- K. Hat Purnea District-Purnea and R/o Village-
Thengra Belhar, P.S. Belhar District-Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.1 (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 09-07-2015 The petitioner figured as accused in Complaint Case

No.1075 of 2014 wherein the offence punishable under Section
498A of the Indian Penal Code is alleged. Apprehending his
arrest, the petitioner filed ABP No.340 of 2015 before the Court
of Sessions Judge, Purnea. The same was rejected through order
dated 20.03.2015. Hence, this application for grant of
anticipatory bail under Section 438 Cr. P.C.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

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. In the event of arrest, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Purnea in connection with Complaint Case No.1075 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C..

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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