

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47188 of 2014

Arising Out of PS.Case No. -1770 Year- 2011 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Ganesh Sah Son of Baidyanath Sah resident of village- Dharampur Jagang,
P.S.- Vaishali, District- Vaishali

..... Petitioner/s

Versus

1. The State of Bihar
2. Rinku Devi Wife of Ganesh Sah, Resident of village- Rajla, P.S.-
Kudhni, District- Muzaffarpur

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
For the Opposite Pary/s : Mr. Madhuri Lata, APP

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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 connection with Tr. No.4305/2013 arising out of Complaint Case No. 1770/2011 for the offence punishable under Sections 323 and 498A of the IPC pending in the court of Sri Sanjeev Kumar Singh, Judicial Magistrate 1st Class, Muzaffarpur.

Apprehending his arrest, the petitioner filed ABA No.528/2014 in the court of learned Sessions Judge, Muzaffarpur. The same was rejected through order dated 23.7.2014.

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, Ganesh Sah 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 Sri Sanjeev Kumar Singh, Judicial Magistrate 1st Class, Muzaffarpur, in connection with Tr. No. 4305/2013 arising out of Complaint Case No. 1770/2011, 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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