

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52003 of 2014

Arising Out of PS.Case No. -2324 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

=====

Sandesh Kumar Sundar Son of Ram Vilash Baitha Resident of Mohalla -
Barbatta Chowk, Dhobi Gali, P.S. Sonapur, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Minakshi Kumari w/o Sandesh Kumar Sundar, D/o Laxman Chaudhary
At present Resident of Mohalla Rambag Road, Dhobi Gali, P.O. Head Post
Office, P.S. Mithanpura, District Muzaffarpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Satyendra Nr. Singh(App)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

5 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 relation to Complaint Case No. 2324/2013 for the offences punishable under Sections 498A, 323, 504 IPC read with Section 4 of the Dowry Prohibition Act in the court of the Chief Judicial Magistrate, Muzaffarpur.

Apprehending his arrest, the petitioner filed ABP No.1200/2014 in the court of learned Sessions Judge, Muzaffarpur. The same was rejected through order dated 24.11.2014.

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 498-A 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, Sandesh Kumar Sundar 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 the learned Sub Divisional Judicial Magistrate, Muzaffarpur, in connection with Complaint Case No. 2324/2013, 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)

mrl

U		T	
---	--	---	--