

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47333 of 2014

Arising Out of PS.Case No. -2125 Year- 2008 Thana -COMPLAINT CASE District- ARRARIA

Sanjay Paswan S/o Dilip Paswan, Resident of Village - Jamua, P.S. - Tarabari, District - Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ful Kumari Devi W/o Sanjay Paswan, D/o Rameshwar Paswan, Resident of Village Jamua PS Tarabari, Distt. Araria

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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 relation to Complaint Case No. 2125C/2008 for the offence punishable under Sections 498A of the IPC pending in the court of the Sub Divisional Judicial Magistrate, Araria.

Apprehending his arrest, the petitioner filed ABP No.897/2013 in the court of learned Additional Sessions Judge 1st, Araria. The same was rejected through order dated 29.8.2014.

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, Sanjay Paswan 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, Araria, in connection with Complaint Case No. 2125C/2008, 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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