

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32236 of 2013

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Vibhuti Bhushan @ Bibhuti Bhushan @ Bablu, Son of Satrugan Prasad
Singh Resident Of Vie - Bariarpur, P.S.- Piar, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Upendra Prasad Singh, s/o late Shyam Baran Singh, resident of village
Athmalgola Tola Babu Mohan Singh, PS Athmalgola, District Patna
3. Kabita Devi, wife of Bibhuti Bhushan @ Bablu, d/o Upendra Prasad
Singh, at present resident of village Athmalgola Tola Babu Mohan
Singh PS Athmalgola, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 25-06-2015 This application under Section 438 CrPC is filed with a prayer for grant of anticipatory bail to the petitioner. The petitioner figured as an accused in Complaint Case No. 694(C) of 2011 registered under Sections 323, 406, 498A of the Indian Penal Code and under Section 3 /4 of the Dowry Prohibition Act.

Apprehending his arrest, the petitioner filed ABP No. 1105 of 2013 before the learned Sessions Judge, Patna. The same was rejected on 12.7.2013. Hence this application.

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

Section 498A, IPC is enacted for protection of women against atrocities at the hands of their spouse or relation. That provision can be invoked by aggrieved woman. In the instant case, the complaint is filed by the father-in-law of the petitioner. The very maintainability of such complaint becomes debatable. Further, the arrest of the petitioner is not necessary in a case of such nature.

Hence this application is allowed. It is directed that in the event of arrest, the petitioner, namely, Vibhuti Bhushan @ Bibhuti Bhushan @ Bablu shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Barh in connection with Complaint Case No.694(C) of 2011, subject to the conditions as laid down under Section 438(2) CrPC.

(L. Narasimha Reddy,CJ)

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