

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32120 of 2014

Arising Out of PS.Case No. -2905 Year- 2012 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Abbas Ansari son of Rasul Ansari resident of village - Bhoptapur, P.S.
Kuchaykot, Distt. – Gopalganj Petitioner/s

Versus

1. The State of Bihar
2. Shajra Khatoon wife of Abbas Abbas Ansari, Daughter of Late Hafij
Nijamuddin Ansari resident of village - Bhoptapur, P.S. Kuchaykot, Distt.
- Gopalganj, at Present Resident of village - Shemra, P.S. Gopalganj, Distt.
- Gopalganj Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 13-04-2015 The petitioner figured as accused in

Complaint Case No.2905/12, Trial No.4566/13,

registered on the basis of a complaint submitted by the

wife of the petitioner alleging offences including one

punishable under Section-498A of I.P.C. Apprehending

arrest, the petitioner filed A.B.P. No.1632/2013 in the

court of learned Sessions Judge, Gopalganj. The learned

Judge rejected the application through order dated

24.4.2014. Hence, this application for grant of

anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

Whether one goes by the nature of allegations

or the law laid down by the Supreme Court in the recent past, the arrest of a person who figured as accused in a case wherein offences punishable under Section-498A of I.P.C. is alleged, is not at all warranted.

Therefore, the application is allowed.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of S.D.J.M., Gopalganj, in connection with Complaint Case No.2905/12, Trial No.4566/13, subject to the conditions that:-

(a) if any arrangement has been ordered by this Court on earlier occasion, it shall be in force till the disposal of the case before the trial court;

(b) the petitioner shall be under obligation to live with and maintain his wife, if she is otherwise willing; and

(c) disposal of this application shall be without prejudice to the proceedings for mediation, if any.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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