

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32847 of 2014

Arising Out of PS.Case No. -1749 Year- 2011 Thana -SAMASTIPUR COMPLAINT CASE
District- SAMASTIPUR

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Shiva Prasad Gupta S/o Sukhram Sah, resident of village - Dhurlakh, P.S. Mufasil, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Tanya Saha @ Renu W/o Shiva Pd. Gupta, D/o Kameshwar Sah At present resident of village - Rampur Dudhpura P.S. Muffasil, District - Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr. Parmanand Pd., APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 09-07-2015 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 Complaint Case No. 1749/2011 for the offence punishable under Section 498A of the Indian Penal Code and under Section 3/ 4 of the Dowry Prohibition Act, pending in the court of Sub Divisional Judicial Magistrate, Samastipur.

Apprehending his arrest, the petitioner filed ABP No. 2820/2014 in the court of learned Sessions Judge, Samastipur. The same was rejected through order dated 11.7.2014. Hence, this application.

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, Shiva Prasad Gupta, shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two suredties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Samastipur, in connection with Complaint Case No.1749/2011, 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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