

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49531 of 2012**

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Akhileshwar Upadhyaya, S/O Banshidhar Upadhaya, Resident of Village-  
Bhisadih, Police Station- Piro, District- Bhojpur.

.... .... Petitioner/s

Versus

The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi (APP)

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**ORAL ORDER**

4      01-04-2015                      The petitioner figured as an accused in Complaint Case  
  
No.1736(C) of 2010/Tr. No.2768 of 2011 pending in the court of  
  
S.D.J.M., Bhojpur at Ara.

Apprehending arrest, the petitioner filed A.B.P.  
  
No.1175 of 2012 before the Sessions Judge, Bhojpur at Ara. The  
  
same was dismissed on 26.11.2012. 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.

The only allegation against the petitioner is referable to  
  
Section 498A of the Indian Penal Code. Even if any part of the  
  
allegation against the petitioner is true, it does not warrant arrest  
  
of the petitioner. Hence, the application is allowed.

In the event of arrest, the petitioner is directed to 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, Bhojpur at Ara, in connection with Complaint Case No.1736(C) of 2010/Tr. No.2768 of 2011, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(L. Narasimha Reddy,CJ)**

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