

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39825 of 2014

Arising Out of PS.Case No. -1749 Year- 2011 Thana -WEST CHAMPARAN COMPLAINT

District- WESTCHAMPARAN(BETTIAH)

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Ajay Kumar Kashyap @ Ajay Kumar Son of Prem Chandra Kashyap
Resident of Village - Karan Sarai, P.O.+P.S.- Sasaram, District - Sasaram

.... Petitioner/s

Versus

1. The State of Bihar
2. Shalini Devi Daughter of Shambhu Gupta Wife of Ajay Kumar Kashyap
Residen of At present of Mohalla - Serawali Big Ghar, Khiriya ghat, Subhas
Chowk, P.S.- Bariya, District- West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Anish Chandra, APP

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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. 1749C/2011(S.C. Tr. No.767/2012) for the offence punishable under Sections 498A of the IPC and Section 3/4 of the Dowry Prohibition Act pending in the court of the Sub Divisional Judicial Magistrate, Bettiah, District West Champaran.

Apprehending his arrest, the petitioner filed ABA No.621/2013 in the court of learned Sessions Judge, West Champaran, Bettiah. The same was rejected through order dated 20.8.2014.

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, Ajay Kumar Kashyap @ Ajay Kumar 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, Bettiah, West Champaran, in connection with Complaint Case No. 1749-C/2011 (S.C. Tr. No.767/2012), 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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