

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45900 of 2014

Arising Out of PS.Case No. -225 Year- 2014 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

Sumit Kumar Son of Sri Yogendra Verma resident of mohalla - Nunudih,
Qauarter No. - 4, Block No. - B/2, P.S. - Sudamdih, District - Dhanbad
(Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Malti Devi W/o Sumit Kumar Mohalla - Quarter No - 4, Block No. - B/2,
P.S. - Sudamdih, Dist. - Dhanbad, At present residing as D/o - Late Sitaram
Sao, Vill. - Kauakol, P.S. - Kauakol, Dist. - Nawada.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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 connection with Complaint Case No. 225/2014 for the offence punishable under Section 498A of the IPC and Section 4 of the Dowry Prohibition Act pending in the court of the Chief Judicial Magistrate, Nawada.

Apprehending his arrest, the petitioner filed ABP No.819/2014 in the court of learned Sessions Judge, Nawada. The same was rejected through order dated 21.10.2014.

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, Sumit 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 Chief Judicial Magistrate, Nawada, in connection with Complaint Case No. 225/2014, 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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