

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48197 of 2014

Arising Out of PS.Case No. -102 Year- 2014 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

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Yogendra Kumar @ Putus Son of Late Ganauri Prasad resident of village-
Telhara (Beldari Tola.S.- Telhara, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Poonam Kumari W/o Yogendra Kumar @ Putus, Resident of Village
Telhara (Beldari Tola) PS Telhara, District Nalanda, at present Poonam
Kumari D/o Rabindra Prasad, Resident of Vill. Kanlara, PO & PS
Makhdumpur, Dist. Jehanabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr. S.Ehteshamuddin, 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 Telhara PS Case No. 102/2014 for the offence punishable under Sections 498A, 494/34 of the IPC and Section 3/ 4 of the Dowry Prohibition Act pending in the court of the Additional Chief Judicial Magistrate, Hilsa (Nalanda).

Apprehending his arrest, the petitioner filed ABP No.702/2014 in the court of learned Sessions Judge, Nalanda Camp Court, Hilsa. The same was rejected through order dated 7.11.2014.

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, Yogendra Kumar @ Putus 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 Additional Chief Judicial Magistrate, Hilsa (Nalanda), in connection with Telhara PS Case No. 102/2014, 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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