

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46063 of 2013

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1. Mahesh Singh S/O Late Ajodhi Singh Resident Of Village- Ganipur
Bejha, Police Station- Sakra, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Shyama Devi, w/o Mahesh Singh, d/o Shiv Ram Singh, resident of
village-Lahladpur, P.S. Patepur, Distt- Vaishali

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mani Madhukar (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 13-04-2015

The petitioner figured as accused in Complaint Case No.2032/2011, registered on the basis of a complaint submitted by the wife of the petitioner alleging offences including one punishable under Section-498A of I.P.C. Apprehending arrest, the petitioner filed A.B.P. No.890/2013 in the court of learned Sessions Judge, Vaishali. The learned Judge rejected the application through order dated 19.9.2013. 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.

Whether one goes by the nature of allegations or the law laid down by the Supreme Court in the recent

past, the arrest of a person who figured as accused in a case wherein offences punishable under Section-498A of I.P.C. is alleged, is not at all warranted.

Therefore, the application is allowed.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of S.D.J.M., Hajipur (Vaishali) in connection with Complaint Case No.2032/2011, subject to the conditions that:-

(a) if any arrangement has been ordered by this Court on earlier occasion, it shall be in force till the disposal of the case before the trial court;

(b) the petitioner shall be under obligation to live with and maintain his wife, if she is otherwise willing; and

(c) disposal of this application shall be without prejudice to the proceedings for mediation, if any.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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