

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20545 of 2014

Arising Out of PS.Case No. -1121 Year- 2012 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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Mahendra Sah son of late Munshi Sah resident of village - Parora, P.S.
Cheriya Bariyarpur, rict - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Hira Devi W/o Mahendra Sah D/o Buddhu Sah, resident of Village Jogia, PS Alauli District Khagaria
3. Jhakas Sah S/o Shivan Sah, resident of Village Bahadurpur, PS Alauli, District Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. C.Sen.Pd.Singh, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 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. 1121C/2012 for the offence punishable under Sections 498A of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act pending in the court of the Chief Judicial Magistrate, Khagaria.

Apprehending his arrest, the petitioner filed ABA No.165/2014 in the court of learned Sessions Judge, Khagaria. The same was rejected through order dated 21.04.2014.

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, Mahendra Sah 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, Khagaria, in connection with Complaint Case No. 1121/2012, 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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