

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43099 of 2014**

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Md. Naushad, son of Md. Ali Raza Ansari, resident of village Amba, P.S.-  
Gopalganj, District-Gopalganj. .... Petitioner/s

Versus

1. The State Of Bihar
2. Shahin Praveen, wife of Md. Naushad, resident of village Amba, P.S. +  
District- Gopalganj, at present daughter of Md. Shakil Ansari, resident  
of Moilwichak, P.O.- Chak Nawada, P.S.- Dalsingsarai, District-  
Samastipur. .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Surya Narayan, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar No.1(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. 401/2013, T.R.No.1345/2014,  
  
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. 2207/2014 in the  
  
court of learned Sessions Judge, Samastipur. The  
  
learned Judge rejected the application through order  
  
dated 1.4.2014. 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 A.C.J.M., Dalsing Sarai (Samastipur) in connection with Complaint Case No. 401/2013, T.R.No.1345/2014, 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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