

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40999 of 2013

Arising Out of PS.Case No. -315 Year- 2012 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

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1. Anil Mandal Son Of Sri Nasib Lal Mandal, Resident Of Village-Lavani,
Garha Tole, P.S.-Jhanjharpur, District-Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sunita Devi, wife of Anil Mandal, daughter of Nageshwar Chaupal, r/o
villate-Belouncha, P.S. Lakhnour, Distt- Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

8 13-04-2015 The petitioner figured as accused in

Complaint Case No.315C/2012, 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.397/2013 in the court of learned Sessions

Judge, Madhubani. The learned Judge rejected the

application through order dated 23.8.2013. 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.

The order dated 30.1.2014 granting provisional anticipatory bail, 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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