

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47631 of 2012

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Mayanand Rideo S/O Late Birlati Rideo, Resident Of Village- Bardaha,
P.S.- Renugaon (Simraha), Dist.- Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. Khantariya Devi W/o Late Asari Rideo, R/o Vill. Gargaddi, PS &
Distt. Araria
3. Ratilal Rideo s/o late Asari Rideo, R/o Vill. Gargaddi, PS & Distt.
Araria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal

For the Opposite Party/s : Mr. I.B.Pandey, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

5 25-06-2015

This application under Section 438 CrPC is filed with a prayer for grant of anticipatory bail to the petitioner who is apprehending his arrest in connection with Complaint Case No. 3759 of 2010 filed by his wife, 2nd respondent, registered under Section 323/498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, pending in the court of learned Sub Divisional Judicial Magistrate, Araria.

Anticipating his arrest in the matter, the petitioner earlier filed ABP No. 83 of 2012 in the court of learned Additional Sessions Judge 1st, Araria. The same was rejected by the trial court on 21.9.2012. Hence this application.

Heard learned counsel for the petitioner and the learned Addl. Public Prosecutor.

On earlier occasion, this Court passed an order on 21.1.2013 directing that no coercive steps shall be taken against the petitioner in connection with the Complaint Case in the file of Sub Divisional Judicial Magistrate, Araria. Notice was also ordered to be issued to the 3rd respondent.

Now there is possibility of arresting the accused in offence referable to Section 498A IPC. In view of the recent judgment of the Hon'ble Supreme Court, such a necessity does not exist at all. Further, it is not known as to whether the petitioner and his wife are living together and whether the disputes were resolved.

However, in the facts and circumstances of the case, this Criminal Miscellaneous application is disposed of with a direction that the trial court may proceed with the Complaint Case without the necessity of arresting the petitioner. However, the petitioner shall co-operate in the trial of the case.

(L. Narasimha Reddy,CJ)

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