

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24708 of 2016

Arising Out of PS.Case No. -5486 Year- 2015 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. Ajay Kumar Pandit, Son of Raghunath Pandit,
2. Dulari Devi, Wife of Raghunath Pandit,
Both residents of Village- Saahbajawan @ Maahbajawan, P.O. + P.S. +
District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sheetal Devi, wife of Ajay Kumar Pandit, daughter of Shyam Dev
Pandit, Resident of Village- Saahbajawan, P.O. + P.S. + District-
Gopalganj, presently residing at Village- Supauli, P.S. Sidhwalia,
District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No. 5
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 14-06-2016 Heard learned counsel for the petitioners and learned
counsel appearing for the State as well as the complainant.

Petitioner no. 1 is husband whereas, petitioner no. 2 is
mother-in-law of the complainant and they apprehend their arrest
in connection with Complaint Case No. 5486 of 2015, in which
prima facie case under Section 498A of the Indian Penal Code has
been registered.

It appears from perusal of the record that after
conducting inquiry under Section 202 of the Cr.P.C., learned court
below issued summons against the petitioners and therefore, in my

view, there is no apprehension of arrest to the petitioners. Moreover, a Bench of this Court has already held that if summons is issued in complaint case, then there is no apprehension of arrest to the accused and in that cases anticipatory bail is not maintainable.

Considering the aforesaid facts and circumstances as well as submission of the parties, this anticipatory bail application stands disposed off with direction to the petitioners to surrender before the Court of Shri Ashish Mishra, learned Judicial Magistrate, 1st Class, Gopalganj, in connection with Complaint Case No. 5486 of 2015, within four weeks from the date of receipt/ production of a copy of this order and if the petitioners do so, learned court below shall proceed with the matter in accordance with law without being prejudiced by this order.

(Hemant Kumar Srivastava, J.)

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