

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28445 of 2017

Arising out of P.S. Case No. -136 Year- 2016 Thana -CHAND
District- BHABHUA (KAIMUR)

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Pintu Ram, Son of Musafir Ram, resident of Village- Morwa,
P.S.- Chand, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guria Devi, wife of Pintu Ram, resident of Village- Morwa,
P.S.- Chand, District- Kaimur at Bhabua. at present address
Daughter of Sukun Ram, resident of Village- Baraitha, P.S.-
Mohania, District- Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, Adv.

For the Opposite Party/s: Mr. Shyameshwar Dayal, APP.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

02. 06.07.2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Chand P.S.

Case No. 136 of 2016 pending before the Sub-divisional Judicial
Magistrate, Kaimur at Bhabhua registered for the offence
punishable under Section 498A of the Indian Penal Code and
Section 3(I)(IV) of the Dowry Prohibition Act.

It is contended on behalf of the petitioner that he was
released on police bail during the course of investigation.
However, now the charge-sheet has been submitted and
cognizance has been taken under Section 498A IPC and,



therefore, he apprehends his arrest.

In my view, the issue is no longer *res integra* having been decided in **Mahendra Prasad Singh vs. The State of Bihar [2004(3) PLJR 491]** by a Single Bench of this Court holding that an application for anticipatory bail on the ground of apprehension of arrest of accused in the such case cannot be held to be maintainable.

Accordingly, the petitioner is directed to appear before the Court concerned without any delay within a period of six weeks from today, thereafter, the court below shall consider his bail in accordance with law keeping in view that the petitioner was on police bail and there is no allegation of misuse of privilege of bail.

With the aforesaid observations, the application stands disposed of.

(Dr. Ravi Ranjan, J.)

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