

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).6174/2008

(From the judgement and order dated 18/06/2008 in CRLM No. 18766/2008  
of The HIGH COURT OF PATNA)

BISHWANATH SINHA

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(With appln(s) for stay of arrest and office report )

Date: 08/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Mr. T. Mahipal,Adv.

For Respondent(s)

Mr. Gopal Singh,Adv.  
Ms. Ramita Guha,Adv.  
Ms. Vimla Sinha,Adv.

Mr. M.M. Singh,Adv.  
Mr. Dharmendra Kumar Sinha ,Adv

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Ganga Thakur)  
PS to Registrar

(Juginder Kaur)  
Court Master

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 267 OF 2010  
(Arising out of SLP(Crl.) No.6174/08

BISHWANATH SINHA

Appellant (s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 18th June, 2008, passed by the Patna High Court in CrI. Misc. No. 18706 of 2008, rejecting the appellant's prayer for grant of anticipatory bail in connection with Complaint Case No. 997/2007, filed in the Court of Chief Judicial Magistrate, Patna, under Sections 406 and 498A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961,

Having heard learned counsel for the respective parties, including the complainant-wife, and having looked into the complaint filed by the respondent-wife, we are unable to accept the logic of the High Court in refusing the prayer under Section 438 Cr.P.C. The High Court appears to have rejected the prayer only on the ground that the husband was not agreeable to reconcile his matrimonial disputes with the complainant. The said reason, in our view, is not a ground for refusing a prayer for anticipatory bail.

-2-

After considering the above, we are inclined to allow the appellant's prayer for grant of anticipatory bail. Accordingly, the order passed by us on 5th September, 2008, granting interim protection to the appellant, is made absolute.

However, the appellant shall report to the Investigating Officer on 15th February, 2010, at 11.00 A.M. and, thereafter, as and when his presence may be required in connection with the investigation. Needless to say, the appellant shall co-operate with the Investigating Officer in completing the investigation expeditiously. Once the investigation is complete and if charge-sheet is filed, the appellant shall surrender before the Trial Court and pray for

regular bail.

The appeal is, accordingly, allowed.

.....J.  
( ALTAMAS KABIR )

.....J.  
( CYRIAC JOSEPH )

New Delhi,  
February 08, 2010.