

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1621 OF 2008

[Arising out of SLP(Crl.)No.4702 of 2007]

ABHAY KUMAR

Appellant(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s) ORDER

Leave granted.

This appeal is directed against the rejection of the appellant's prayer for grant of anticipatory bail in connection with Complaint Case No.2611/2004 pending before the Chief Judicial Magistrate, East Champaran, Motihari.

It appears that of the six accused in the above case, five have already been granted anticipatory bail by the trial court as well as the High Court. The exception is the appellant, whose application for grant of anticipatory bail was rejected by the High Court supposedly on the ground of deterioration of the relationship between the spouses.

In our view, that is no ground for refusing to grant anticipatory bail to the appellant, since all the accused were similarly placed.

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In such circumstances, we allow the appeal and direct the appellant to

surrender before the trial court, which shall thereupon release the appellant on bail to its satisfaction.

The appeal is disposed of.

.....J
(ALTAMAS KABIR)

.....J
(MARKANDEY KATJU)

New Delhi;
October 16, 2008.

