

(2022) 05 JH CK 0031
In the Jharkhand High Court
Case No : A.B.A. No. 3981 Of 2022

Chhotu Khan @ Sarfarj Khan @ Chotu Khan

APPELLANT

Vs

State Of Jharkhand & Anr

RESPONDENT

Date of Decision : 23-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 342, 354, 498(A), 504, 506
Dowry Prohibition Act, 1961 — Section ?
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2022) 05 JH CK 0031

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Ramchander Sahu, Ruby Pandey

Final Decision : Allowed

Judgement

Kailash Prasad Deo, J

Heard, learned counsel for the petitioner, Mr. Ramchander Sahu and learned counsel for the State, Mrs. Ruby Pandey, APP.

Learned counsel for the petitioner has submitted that petitioner is apprehending his arrest in connection with Mahila (Sadar) P.S. Case No.16 of 2021, for the offence registered under Sections 498(A), 354, 341, 342, 504, 506, 323/34 IPC and Section 34 of Dowry Prohibition Act, 1961.

Learned counsel for the petitioner has submitted that petitioner is husband and it is matrimonial dispute and there is no injury on the person of the victim rather a son has born from the said wedlock.

Learned counsel for the petitioner has further submitted that Original Maintenance Case No.177/2021 has been filed by the victim as well as for the child for maintenance, which is pending before the learned Additional Principal Judge, Family Court, Hazaribag, as such, petitioner may be enlarged on anticipatory bail.

Learned counsel for the State, Mrs. Ruby Pandey, APP has opposed the prayer for bail and has submitted that petitioner is the husband and he has tortured the victim.

Considering the rival submission of the parties and looking to the facts and matrimonial dispute between wife and husband where there is one son from the wedlock and victim has not sustained any bleeding injury, accordingly, petitioner (Chhotu Khan @ Sarfarj Khan @ Chotu Khan) is directed to surrender before the court below within four weeks from the date of this order and in the event of his arrest or surrender, the court below shall enlarge the above named petitioner on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hazaribag in connection with Mahila (Sadar) P.S. Case No.16 of 2021 subject to the conditions, as laid down under Section 438(2) Cr.P.C and also on the following conditions:-

(i) One of the bailors shall be deponent/pairvikar of the present case namely, Ziyauddin Ali, S/o Doman Ali, R/o Sultan Nagar, Sultan Nagar, Bada Imam Bada Road, P.O. & P.S. Chas, District- Bokaro (Jharkhand) 827013, who has furnished photocopy of his UID Card before this Court in the bail application.

Office is directed to send photo copy of the UID Card of deponent along with this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be father/mother/son/sister/brother/wife.

(iii) Petitioner shall appear before the court below in Original Maintenance Case No.177/2021, if not already appear pending before the learned Additional Principal Judge, Family Court, Hazaribag and thereafter petitioner will file bail bond before the learned trial court.

Accordingly, the instant anticipatory bail application is hereby allowed.