

(2025) 04 JH CK 1340

In the Jharkhand High Court

Case No : Anticipatory Bail Application No. 5400 Of 2024

Kamlesh Kumar Yadav, son of Kartik Yadav

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 16-04-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Indian Penal Code, 1860 — Section 120(B), 323, 341, 379, 498(A), 504, 506
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2025) 04 JH CK 1340

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Diwakar Jha, Praful Jojo, Randhir Kumar

Final Decision : Allowed

Judgement

Ananda Sen, J.

1. Heard the parties.

2. This anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioner apprehending his arrest for offences registered under Sections 323, 341, 379, 498(A), 120(B), 506 and 504 IPC and Section 3/4 of Dowry Prohibition Act.

3. Learned A.P.P. representing the State opposes the prayer for anticipatory bail.

4. The petitioner is the husband. There is an allegation of demand of dowry and torture. The impugned order suggests that the mediation between the parties has failed.

5. Admitted fact is that the case arises out of a complaint. In a complaint case, there is no question of custodial interrogation. The only fact which the Court has to be assured of is whether the accused will face the trial or not or whether there is any chance of tampering with the evidence.

6. The impugned order does not suggest any of the aforesaid situation. Thus, in a complaint case, since there is no necessity of custodial interrogation, I am inclined to release this petitioner on anticipatory bail.

7. Accordingly, this Anticipatory Bail Application stands allowed. The petitioner, above named, is directed to surrender before the learned court below within four weeks from the date of receipt of copy of this order and on the event of his surrender or arrest, he shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned JMFC, Koderma, in connection with Complaint Case No.1941 of 2023, subject to the condition that one of the bailers should be a close relative of the petitioner and other should be a resident of State of Jharkhand, having sufficient landed property in his name or in the name of his ancestors in which he is having share and to that effect, he has to file an affidavit before the Trial Court indicating his share in the property.