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**(2020) 12 JH CK 0017**  
**In the Jharkhand High Court**  
**Case No : Bail Application No. 9178 Of 2020**

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| Ratan Hembram      | Vs | APPELLANT  |
| State Of Jharkhand |    | RESPONDENT |

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**Date of Decision :** 03-12-2020

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, , 323, 376, 417, 504

**Citation :** (2020) 12 JH CK 0017

**Hon'ble Judges :** Anil Kumar Choudhary, J

**Bench :** Single Bench

**Advocate :** Rajeeva Sharma, Sanat Kumar Jha

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## Judgement

Heard the parties through video conferencing.

Learned senior counsel for the petitioner undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has been made accused in connection with Littipara P.S. Case No. 14 of 2020 registered under sections 376, 417, 323, 504/34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that the allegation against the petitioner is that the petitioner established physical relationship with the victim on the promise of marriage and suppressing the fact that the petitioner has a wife. It is submitted that the allegation against the petitioner is false. It is next submitted that the victim gave birth to her child with the

petitioner and the first wife of the petitioner has deserted him, with whom the petitioner has no relationship. It is further submitted by learned counsel for the petitioner that the petitioner is ready and willing to solemnize marriage with the victim as per the social custom of Santhals and he is also ready and willing to keep and maintain the victim as his lawful wife with full dignity and honour. It is next submitted that the petitioner undertakes to cooperate with the trial of the case. It is further submitted that the petitioner has been in custody since 06.06.2020 as mentioned in paragraph 14 of the bail application. Hence it is submitted that the petitioner be released on bail.

Learned Addl. P.P. opposes the prayer for bail.

Considering the aforesaid facts of this case, the above named petitioner is directed to be enlarged on bail provisionally on furnishing bail bond of Rs.

25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Pakur in

connection with Littipara P.S. Case No. 14 of 2020 for a period of three months from the date of furnishing the bail bond; with the condition that he

will cooperate with the trial of the case. If the trial court is satisfied that the petitioner has solemnized social marriage with the victim within three

months from the date he furnishes the bail bond and keeping and maintaining her as lawful wife then the trial court is directed to confirm the

provisional bail granted to the petitioner till disposal of the case.

It is made clear that in case of failure of the petitioner to fulfil the aforesaid condition of solemnizing marriage with the victim and keeping and

maintaining her with full honour and dignity as his lawful wife, the provisional bail granted to the petitioner shall stand cancelled and the petitioner will

be taken into custody for facing the trial.