

(2022) 05 JH CK 0032
In the Jharkhand High Court
Case No : A.B.A. No. 3980 Of 2022

Ritesh Kumar Mehta

APPELLANT

Vs

State Of Jharkhand & Anr

RESPONDENT

Date of Decision : 23-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 323, 498(A)
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2022) 05 JH CK 0032

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Ritu Kumar, Priya Shrestha

Final Decision : Allowed

Judgement

Kailash Prasad Deo, J

Heard, learned counsel for the petitioner, Mrs. Ritu Kumar and learned counsel for the State, Mrs. Priya Shrestha, APP.

Learned counsel for the petitioner has submitted that petitioner is apprehending his arrest in connection with Daltonganj Mahila P.S. Case No.37 of 2021, for the offence registered under Sections 498(A)/ 323 IPC.

Learned counsel for the petitioner has further submitted that petitioner is husband and there is matrimonial dispute between the petitioner and informant, who is wife of the petitioner and there is no injury on the person of the victim, as such, petitioner may be enlarged on bail.

Learned counsel for the State, Mrs. Priya Shrestha, APP has opposed the prayer for bail, though she has not disputed that it is matrimonial dispute and there is no injury on the person of the victim.

Considering the rival submission of the parties and looking to the facts that dispute is between wife and husband and no bleeding injury has been found

upon wife, accordingly, petitioner (Ritesh Kumar Mehta) 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 Chief Judicial Magistrate, Palamau in connection with Daltonganj Mahila P.S. Case No.37 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, Sailesh Kumar, S/o Shankar Mahto R/o Village Basu, Post Lami Patra, Patan, Police Station Pandwa, District Palamau, who has furnished photocopy of his UID Card before this Court in the anticipatory 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 Maintenance case, if filed already.

Accordingly, the instant anticipatory bail application is hereby allowed.