

(2016) 06 JH CK 0001
In the Jharkhand High Court
Case No : A.B.A. No. 1877 of 2016

Shaktipad Mishra @ Khokha Mishra

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 01-06-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 323, 34, 341, 394, 498A

Citation : (2016) 3 AIRJharR 86

Hon'ble Judges : Mr. Ratnaker Bhengra, J.

Bench : Single Bench

Advocate : Mr. Mahesh Tewari, Advocate, for the Appellant; Mr. Sanjay Kr. Srivastava, A.P.P, for the Respondent

Final Decision : Disposed Off

Judgement

Mr. Ratnaker Bhengra, J.—Apprehending his arrest in connection with Complaint Case Being C.P. Case No. 42 of 2015 instituted under Sections 498A/394/323/341/34 of the Indian Penal Code, pending in the court of Sri R. K. Sinha, learned S.D.J.M., Khunti, this application is being filed.

2. Heard learned counsel for the petitioners as well as learned A.P.P. appearing for the State.

3. The learned counsel for the petitioners have submitted that the petitioner No.1 and the petitioner No.2 are the aged cousin sasurs of the lady whereas the petitioner No. 3 is the wife of the petitioner No. 2. It is further submitted that the petitioners have no manner of concern or connection whatsoever with the family of the Opp. Party No. 2/Complainant. He has further submitted that the falsity of the case would be evident from the very fact that the marriage took place as far back as in the year 1998. This complaint has been filed after a lapse of almost 17 and ? years. It is further submitted that the reason for this false complaint would be evident from the very fact that a case under Section 13(1)(ia) of the Hindu Marriage Act (being Original Suit No. 375 of 2015) has been filed by Sujeet

Kumar Mishra, the nephew of the petitioners and husband of the complainant against his wife and sister of the complainant on 28.06.1998 before the learned Court of the Principal Judge, Family Court, Bokaro which is pending for her appearance. It is respectfully submitted that all the petitioners are aged persons living completely separately with that of the family of Sujeet Kumar Mishra, the husband of the Opp. Party No. 2.

4. The learned counsel for the Opp. Party No. 2 has submitted that the main accused is uncles in-law and aunty in-law. He said that on 16.07.2015 they had forcibly seated the complainant in the vehicle and taken to her parental home and directly they are more responsible for divorce and they also threatened for re-marriage of the husband of the complainant. Therefore they do not deserve anticipatory bail.

5. Having heard both the counsel and having gone through the records, in the facts and circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the court below within three weeks from today and in the event of his arrest/surrender, the court below is directed to enlarge him on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of Sri R.K. Sinha, learned S.D.J.M., Khunti, in connection with Complaint Case Being C.P. Case No. 42 of 2015. subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure Code.