
(2020) 09 JH CK 0044

In the Jharkhand High Court

Case No : A.B. A. No. 2711 Of 2020

Uday Kumar Sinha @ Uday Kumar Singh @ Uday Kumar Pal

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 03-09-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 09 JH CK 0044

Hon'ble Judges : Rongon Mukhopadhyay, J

Bench : Single Bench

Advocate : R. S. Mazumdar, P. D. Agrawal, Lal Vikram Nath Shahdeo

Final Decision : Allowed

Judgement

Heard the parties.

Defects as pointed out by the office are ignored. The petitioner is apprehending his arrest in connection with Mahila (Palamau) P.S. Case No. 34 of 2019.

The marriage of the informant was solemnized with the petitioner on 10.07.2018.

It has been alleged that after marriage, there was a demand of a car. It has further been alleged that when the informant became pregnant, she was forcibly administered medicine by the petitioner and one Asha Singh, who subsequently sat on her which resulted in the informant suffering miscarriage. It has further been alleged that the educational certificates of the informant was also kept forcibly by the accused and on 29.04.2019, she was assaulted and ousted from her matrimonial house.

Mr. Mazumdar, learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It has been stated that the petitioner has been implicated only on account of the fact that he is the husband of the informant. Learned senior counsel further submits that there is no specific allegation levelled against the petitioner and in fact as regards the

miscarriage as alleged by the informant, there is no prescription which would support such allegation.

Mr. Vikran Nath Shahdeo, learned counsel for the opposite party no. 2 has opposed the prayer for anticipatory bail of the petitioner and has stated that there was a consistent demand of a car and specific allegation has been levelled against the petitioner and Asha Singh of forcibly administering medicine to terminate the pregnancy. It is therefore submitted that the present application be rejected.

On consideration of the allegations levelled in the FIR, it appears that the informant herself has stated about the petitioner very rarely staying with her as he was posted at Ranchi. It further appears that allegation of demand of a car has also been alleged against the other accused persons and so far as the purported miscarriage is concerned, the same also has been primarily attributed to Asha Singh whose sitting on her stomach resulted in the said miscarriage.

On consideration of the entire gamut of allegations against the petitioner, I am inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, the petitioner above named is directed to surrender in the court below within four weeks and pray for bail, and in that event, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned C.J.M., Palamau in connection with Mahila (Palamau) P.S. Case No. 34 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This application stands allowed.