

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 6078 of 2021

Amit Kumar Chouhan ... Petitioner

Versus

The State of Jharkhand & Anr. ... Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mrs. J. Mazumdar, Adv.
For the State : Mr. V. V. Pradhan, Addl. P.P.
For the O.P. No. 2 : Mr. Pratiush Lala, Adv.

02 / 03.09.2021

Heard the parties through Video Conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by learned counsel for the petitioner the defects pointed out by the Stamp Reporter are ignored for the present.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with C.P. Case No. 3967 of 2019 registered under Sections 498A of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner being the husband of the opposite party no. 2, treated the opposite party no. 2 with cruelty. Learned counsel appearing for the petitioner and learned counsel for the opposite party no. 2 jointly submit that both the petitioner and the opposite party no. 2 are ready and willing to resume their conjugal life. It is agreed to between the parties that both the petitioner and the opposite party no. 2 will appear before the trial court on 07.10.2021 and on that date the petitioner will take the opposite party no. 2 to his house with an undertaking that he will keep and maintain her with full honour and dignity as his lawful wife. Learned counsel for the petitioner submits that because of marital discord between the parties, this case was instituted by the opposite party no. 2 against the petitioner. It is lastly submitted that the petitioner is ready and willing to co-operate with the trial of the case

hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

The learned Addl. PP opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court of learned JMFC, Dhanbad on 07.10.2021 and in case the petitioner appears and surrenders before the learned trial court on 07.10.2021, he will be enlarged on bail on taking the opposite party no. 2 to his house with an undertaking that he will keep and maintain her with full honour and dignity as his lawful wife and on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned JMFC, Dhanbad in connection with C.P. Case No. 3967 of 2019 with the condition that he will co-operate with the trial of the case during the pendency of case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the opposite party no. 2 does not appear before learned JMFC, Dhanbad on 07.10.2021, still the petitioner will be enlarged on bail within six weeks from 07.10.2021 on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned JMFC, Dhanbad in connection with C.P. Case No. 3967 of 2019 with the condition that he will co-operate with the trial of the case during the pendency of case with further condition that he will resume conjugal life with the opposite party no. 2 as and when she joins him for resuming the conjugal life and keep and maintain her with dignity and honour as his lawful wife and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-