
(2019) 07 JH CK 0174

Jharkhand High Court

Case No: Bail Application No. 3839 Of 2019

Alok Kumar

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: July 9, 2019

Acts Referred:

- Indian Penal Code, 1860 - Section 323, 341, 313, 376, 420, 498(A), 506

Hon'ble Judges: Anubha Rawat Choudhary, J

Bench: Single Bench

Advocate: A.K. Chaturvedy, Vinay Kumar Tiwary

Final Decision: Allowed

Judgement

1. Heard Mr. A. K. Chaturvedy, counsel appearing on behalf of the petitioner.
2. Heard Mr. Vinay Kumar Tiwary, counsel appearing on behalf of Opposite Party.
3. Counsel for the petitioner submits that the petitioner is in custody since 18.02.2019 in connection with Ghaghra P.S. Case No. 31 of 2017 for alleged offence registered under Sections 323, 341, 313, 376, 420, 498(A), 506 of the Indian Penal Code, said to be pending in the court of learned Sub-Divisional Judicial Magistrate, Gumla.
4. Counsel for the petitioner submits that as per FIR itself, the informant was living with the petitioner since March, 2008, although at that point of time no marriage was solemnized. In such circumstances, he further submits that when the informant was by her own will was living with the petitioner,

there is no question of the alleged offence and the case has been instituted only in the year 2017. He further submits that the charge-sheet has already

been submitted against the petitioner.

5. Counsel appearing on behalf of Opposite Party, on the other hand, submits that the petitioner has solemnized marriage with another lady in the

month June, 2016 and subsequently on 16.10.2016, the petitioner has solemnized marriage with the present informant in Jagarnathpur Temple and

accordingly, he submits that it cannot be said that the petitioner is innocent. However, counsel for the Opposite Party does not dispute the fact that as

per FIR itself, the informant lived with the petitioner since March, 2008 and the case has been lodged in the year 2017.

6. Considering the facts and circumstances of this case and considering the period of custody of the petitioner, the petitioner is directed to be enlarged

on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned

Sub-Divisional Judicial Magistrate, Gumla in connection with Ghaghra P.S. Case No. 31 of 2017 for alleged offence registered under Sections 323,

341, 313, 376, 420, 498(A), 506 of the Indian Penal Code on the following conditions:

(i) One of the bailors should be family member of the petitioner.

(ii) The petitioner shall appear before the learned court below on each and every date and on account of even single default, his bail bond will be

cancelled by the learned court below.

(iii) The petitioner shall cooperate with the proceedings before the learned court below.

7. The instant application is allowed with the aforesaid conditions.