

## **Nitesh Kumar @ Nitesh Mahato @ Nitesh Mahato Vs The State of Jharkhand**

**Court:** JHARKHAND HIGH COURT

**Date of Decision:** Sept. 5, 2017

**Acts Referred:** [Indian Penal Code, 1860](#), [Section 498A](#), [Section 323](#) - Husband or relative of husband of a woman subjecting her to cruelty - Punishment for voluntarily causing hurt

[Dowry Pr](#)

**Hon'ble Judges:** [Anant Bijay Singh](#)

**Bench:** [SINGLE BENCH](#)

**Advocate:** [Syed Tafazzul Sajid, Devesh Krishna](#)

### **Judgement**

[1. The petitioner is apprehending is arrest in connection with Garhwa P.S. Case No. 224 of 2016, corresponding to G.R. No. 953 of 2016 for the](#)

[offence under sections 498A, 323 of the Indian Penal Code and under section 3/4D.P. Act.](#)

[2. It appears that on 03.07.2017, both the parties were physically present before this Court and possibility of reconciliation was made but the](#)

[same has failed and the matter was to be heard on merit and accordingly, the same is being heard on merit.](#)

[3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. There is omnibus allegation against](#)

[the petitioner. No case under the alleged sections is made out against the petitioner. The petitioner is ready to keep his wife/complainant.](#)

[4. Learned A.P.P as well as well as learned counsel for the O.P. No. 2 opposed the prayer for anticipatory bail.](#)

[5. From perusal of case diary, it appears that in para 40, I.O has recorded the evidence of independent witness Akbar Ansari, in para 41?](#)

[evidence of independent witness Afjal Ansari, in para 51? evidence of independent witness Intkhwab Ansari, in para 52 - evidence of independent](#)

[witness Mustafa Raja and all they have supported the case of the prosecution.](#)

[6. Considering the aforesaid facts and circumstances of the case and also considering the nature of offence, I am not inclined to grant anticipatory](#)

[bail to the petitioner. Accordingly, prayer for anticipatory bail on behalf of the petitioner is hereby rejected. The petitioner, if so advised, may](#)

[surrender before the trial court within three weeks from the date of this order and pray for regular bail which shall be considered by the trial court](#)

without being prejudiced by this rejection order.