

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 4456 of 2013

Rajesh Nishad

Petitioner

Versus

1. The State of Jharkhand
2. Sabita Devi

Opposite Parties

CORAM: HON'BLE MR. JUSTICE PRASHANT KUMAR

For the Petitioner : Sri D.K. Jaiswal, Advocate
For the State : Sri Priyadarshi, A.P.P.
For the O.P.No.2 : Sri Gautam Kumar, Advocate

05/31.03.2014. Anticipatory bail application filed by Rajesh Nishad is moved by Sri D.K. Jaiswal, learned counsel for the petitioner and opposed by Sri Priyadarshi, Addl.P.P. for the State and Sri Gautam Kumar, learned counsel for the O.P. No.2.

At the outset, Sri D.K. Jaiswal submits that petitioner is ready to keep Opposite Party No.2 with all love and dignity and he is also ready to give written undertaking that he will not torture her in future.

Sri Gautam Kumar, submits that his client is also ready to reside with petitioner provided petitioner will give an undertaking that he will not torture her in future.

In view of the aforesaid undertaking given by the petitioner, I allow this anticipatory bail application and direct the petitioner to surrender in the court below on 11.04.2014. On that day, opposite party no.2 namely, Sabita Devi is directed to remain present in the court below. The learned court below is directed to enlarge the petitioner, above named, 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 Additional Chief Judicial Magistrate, Bermo at Tenughat, in connection with C.P. Case No.287/2010 (T.R. No.105/2013), subject to the condition as laid down under Section 438(2) of the Cr.P.C.

The learned court below is further directed to take written undertaking from petitioner that he will not torture opposite party no.2 in future and will not demand dowry. The learned court below is further directed to send opposite party no.2 with petitioner after taking aforesaid undertaking. It is made clear that if, in future petitioner will torture, the opposite party no.2, then she can file application for cancellation of bail.

(Prashant Kumar, J.)

Pramanik/