

Mokhtar Ansari vs The State Of Jharkhand And Another on 6 May, 2024

Author: Sanjay Kumar Dwivedi

Bench: Sanjay Kumar Dwivedi

IN THE HIGH COURT OF JHARKHAND, RANCHI
A.B.A. No. 1386 of 2024

1.Mokhtar Ansari

2.Nasbun Khatoon Petitioners

-- Versus --

The State of Jharkhand and Another Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners	:-	Mr. Chandan Kumar, Advocate
For the State	:-	Mr. Sardhu Mahto, Advocate

5/06.05.2024 Heard the learned counsel for the petitioners as well as the learned
counsel for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No.523 of 2022, for the offence registered under sections 323, 324, 498A, 504, 506 of the IPC and section 26 and 19 of Domestic Violence Act, pending in the court of learned Judicial Magistrate First Class, Chatra.

3. Learned counsel for the petitioners submits that petitioner no.1 is husband and petitioner no.2 is second wife of the petitioner no.1. He submits that there are general and omnibus allegations against the petitioners and the co-accused persons have been provided privilege of anticipatory bail in A.B.A No.1374 of 2024 and the mediation was also successful, however, the learned Sessions Judge has been pleased to reject the petition on the ground that the terms and conditions of the mediation has not been fulfilled by the petitioners.

4. Learned State counsel opposed the prayer on the ground that petitioner no.1 is husband and the allegation of torture is there.

5. Looking to the solemn affirmation it transpires that there are general and omnibus allegations against all the accused persons including the petitioners and mode of torture is not stated in the solemn affirmation and a bald allegation is made that from the very beginning assault was being made, however, the complaint case was filed in the year 2022 and at para no.1 it is disclosed that marriage was solemnized 40 to 45 years back and the co- accused have been provided privilege of anticipatory bail in the aforesaid A.B.A., and in the attending facts and circumstances, I am inclined to provide privilege of anticipatory bail to the petitioners.

6. Accordingly, both the petitioners, above named, are hereby directed to surrender before the learned court within three weeks from today, and in the event of their surrender/arrest, both the petitioners, above named, shall be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate First Class, Chatra, in connection with Complaint Case No.523 of 2022, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar Dwivedi, J.) SI/