

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.3463 of 2025

Abhishek Kumar Tiwari, son of Sri Prahlad Tiwari, resident of
village Dumariya, PO Dumariya, PS Garhwa, District Garhwa

... ... Petitioner(s)

Versus

1.The State of Jharkhand.

2.Kajal Kumari, wife of Abhishek Kumar Tiwari, resident of
village Dumariya, PO Dumariya, PS Garhwa, District Garhwa

... ... Opposite Party(s)

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. A. K. Sahani, Advocate.

For the State : Mr. Shree Prakash Jha, A.P.P.

03/ 11.07.2025

Heard the parties.

2. This anticipatory bail application under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioner apprehending his arrest for offences registered under Sections 85/89/272 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 / 4 of the Dowry Prohibition Act.

3. The allegation against the petitioner (the husband of the informant) is that he tortured and ousted her from the house and has kept the informant's child also. It has been further alleged that knowing fully well that the petitioner is a HIV positive patient he suppressed the aforesaid fact and married the victim.

4. Learned counsel for the petitioner submits that the entire allegation of torture is false.

5. Learned A.P.P. after going through the case-diary submits that the petitioner is a HIV patient and is undergoing treatment. He submits that the informant has also now contracted HIV because of the said marriage but the child is HIV negative. He submits that there is an allegation of demand of dowry and torture.

6. Considering the fact that the petitioner is HIV patient which has been admitted by both the parties it will be proper to allow this anticipatory bail application as if the petitioner is taken in custody it will be a disaster for the other inmates also, thus, this Court finds it a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, this Anticipatory Bail Application stands **allowed**. The petitioner, above named, is directed to surrender before the learned court below within four weeks from the date of receipt of copy of this order and on the event of his surrender or arrest, he shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Garhwa, in connection with Garhwa P.S. Case No. 693 of 2024, subject to the condition that one of the bailers should be a close relative of the petitioner and other should be a resident of State of Jharkhand, having sufficient landed property in his/her name or in the name of his/her ancestors in which he/she is having share and to that effect, he/she has to file an affidavit before the Trial Court indicating his/her share in the property.

(ANANDA SEN, J.)