

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. Filing No. 18932 of 2024

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Pravesh Kumar aged about 34 years son of Chandradhan Mahto
resident of Village- Banuwa, PO and Police Station- Lesliganj,
District- Palamau **..... Petitioner**

Versus

1. The State of Jharkhand
2. Priti Kushwaha w/o Pravesh Kumar D/O- Niranjan Mahto, at
Village- Bhusra, PO + PS- Parwa, District- Palamau, At
present Housing Colony, PO + PS Paltonganj Town- Dist-
Palamau- Jharkhand **..... Opp. Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the petitioner : Mr. Abhay Kumar Chaturvedy, Advocate

For the State : Mrs. Mohua Palit, A.P.P.

For the O. P. No. 2: Mr. Anurag Kashyap, Advocate

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09/27.01.2025 Learned counsel for the petitioner has submitted that
due to inadvertence, he could not file Interlocutory Application
for grant of bail. However, learned counsel for the petitioner
seeks permission to incorporate the prayer for grant of bail of
the petitioner in this Criminal Revision Application.

2. Prayer is allowed.

3. The present Criminal Revision Filing No. 18932 of
2024 has been filed on behalf of the petitioner challenging the
judgment dated 09.07.2024 passed in Criminal Appeal No. 43 of
2022 by Sri Shankar Kumar Maharaj, the learned Additional
Sessions Judge-III, Palamau at Daltonganj whereby the learned
Additional Sessions Judge-III, Palamau at Daltonganj has
dismissed the Criminal Appeal No. 43 of 2022 with modification
in the judgment of conviction and order of sentence dated
30.11.2022 passed by Sri Nirupam Kumar, learned Chief Judicial
Magistrate, Palamau at Daltonganj and the conviction of the
petitioner has been upheld for the offences under Section 498-A
and 323 of the Indian Penal Code and sentence of the petitioner

for the offence under Section 498-A of the Penal Code R.I. for a period of two (2) years has also been upheld. However, the learned Appellate Court has reduced the sentence of the petitioner to undergo R .I for a period of three (3) months instead of nine (9) months and to pay fine of Rs. 1,000/- for the offence under Section 323 of Indian Penal Code. Although vide the judgment of conviction and order of sentence dated 30.11.2022 passed by Sri Nirupam Kumar, learned Chief Judicial Magistrate, Palamau at Daltonganj in connection with Mahila Town P.S. No. 37 of 2017 corresponding to G. R. No. 1842 of 2017 [T. R. No. 70 of 2022], the petitioner has been convicted for the offences under Sections 498 (A) and 323 of the Indian Penal Code and was sentenced to undergo R.I. for a period of two (2) years for the offence under Section 498 (A) of the Indian Penal Code and to pay fine of Rs. 5,000/- and was sentenced to undergo R.I. for a period of nine (9) months for the offence under Section 323 of the Indian Penal Code.

However, all the sentences have been directed to run concurrently.

4. Heard learned counsel for the petitioner and learned counsel for the State and learned counsel for the opposite party no. 2.

5. It is submitted by the learned counsel for the petitioner that the impugned judgments and order passed by the learned Court below are illegal and not sustainable in the eyes of law. It is submitted that the petitioner is husband and he is ready to settle the dispute with the opposite party no. 2 and to pay the arrears of maintenance amount and for the present he is ready to pay Rs. 90,000/- to the opposite party no. 2. It is submitted that the petitioner is in custody since 23.12.2024 and as such, the petitioner may be enlarged on bail.

6. Learned counsel for the State has opposed the prayer for bail.

7. Learned counsel for the opposite party no. 2 has submitted that earlier there was mediation between the parties before the DLSA, Palamau at Daltonganj. However, the petitioner has defaulted in making payment of money and there is arrears of approx. Rs. 1,40,000/- as per the instruction received from opposite party no. 2 from November, 2023 to November, 2024 and hence, the prayer for bail may be rejected.

8. Perused the records of this case and considered the submission of both the sides.

9. It appears that earlier there was settlement between the parties for payment of Rs. 10,000/- per month by the petitioner to the opposite party no. 2 in light of the settlement arrived at between the petitioner and opposite party no. 2 before the DLSA, Palamau at Daltonganj. However, there is dispute with regard to payment.

10. It appears that the Co-ordinate Bench (Hon'ble Mr. Justice Rajesh Kumar) of this Court has rejected I. A. No. 9661 of 2024 on 18.12.2024 by which the petitioner had prayed for exemption from surrendering before the learned Court below and the petitioner was directed to surrender before the learned Court below and the petitioner is in custody since 23.12.2024 i.e for more than one (1) month.

11. It appears that the petitioner is ready to pay Rs. 90,000/- to the opposite party no. 2 at this stage and also ready to make payment of arrears of maintenance amount.

12. Having heard learned counsel for both the sides and considering the chances of settlement of dispute between the parties, during pendency of this Criminal Revision Application, the petitioner namely Pravesh Kumar is directed to be released

on **provisional bail** for a period of six months from today, on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Palamau at Daltonganj in connection with Mahila Town P.S. No. 37 of 2017 corresponding to G. R. No. 1842 of 2017 [T. R. No. 70 of 2022] subject to payment of Rs. 90,000/- at the time of furnishing bail bonds before the learned Trial Court below.

13. The petitioner shall file supplementary affidavit with regard to payment made by the petitioner to the opposite party no. 2 and shall also file the calculation chart and the copy of the same be served upon the learned counsel for the opposite party no. 2.

14. Learned counsel for the opposite party no. 2 is also directed to file counter affidavit with regard to payment of amount received from the petitioner by opposite party no. 2.

15. It will be desirable that the parties may make sincere efforts for amicable settlement.

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16. Call for the scanned copy of the Lower Court Records.

17. Put up this case on 10.03.2025.

(Sanjay Prasad, J.)

Kamlesh/