

IN THE HIGH COURT OF JHARKHAND AT RANCHI**Cr. Appeal (S.J) No. 894 of 2025**

Hira Prajapati, aged about 55 years, Son of Late Baijnath Prajapati,
Both are resident of Vill-Chhati Gadilong, P.O. and P.S-Tandwa,
District-Chatra Appellant

Versus

1.The State of Jharkhand
2.Gita Devi, aged about 44 years, wife of Kamal Ram, Resident of
Village- Chhati Gadilong, P.O. and P.S-Tandwa, District-Chatra
..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. A.K. Chaturvedy, Advocate
For the State : Mr. Anup Pawan Topno, APP
For the Informant : Mr. Raksh Kumar No.2, Advocate

04/Dated:05th January, 2026

This Criminal Appeal has been filed on behalf of the appellant challenging the order dated 08.08.2025 passed by Sri S.M. Sahzad, learned Additional District Judge-I (SC/ST Special Judge), Chatra in connection with Tandwa P.S. Case No.279 of 2023 instituted for the offences under Sections 147, 148, 341, 323, 379, 354, 379 and 313 of Indian Penal Code and under Section 3(1)(4)(5) of SC/ST Act by which the prayer for bail of the appellant has been rejected.

2. As per FIR, arising out of Complaint Case No.07 of 2023, it has been stated that the appellant has performed Court Marriage with the complainant-informant in the year 2011 after death of her husband on the ground that the wife of the appellant has also died and he has got four small children. However, after marriage, she was assaulted by the accused person due to which her pregnancy was terminated. Then due to intervention of villagers and well-wishers Panchayati was held and the appellant again brought back the informant to his house for living together. However, the informant was again ousted from her

matrimonial home and for which she had filed Complaint Case No.1216 of 2020 but it was again compromised and both started living together. In the meantime, the complainant became pregnant and when this fact was learnt to the appellant and other sons then they assaulted the complainant on 28.07.2022 and the appellant i.e. husband has pounced upon the abdomen of the informant due to which her pregnancy was terminated and she was ousted from her matrimonial home by taking her entire jewellery and cash. The complainant got treated at Simaria on 30.07.2022 till 17.09.2022 and ultimately, doctor advised her for removal of her Uterus. She had moved before Tandwa P.S twice but her case was not instituted and hence the complaint case was filed.

3. Learned counsel for the appellant submitted that the appellant is innocent and has committed no offence. It is submitted that false allegation has been made by the informant against him. It is submitted that the appellant is husband of the informant and he is still ready to keep his wife with full owner and dignity. It is submitted that the appellant is earning approx Rs.9,000/- per month and he is ready to give Rs.3,000/- per month to the Respondent No.2-complainant and also ready to keep her. It is submitted that document of termination of pregnancy has not been brought on record by the informant. Learned counsel for the appellant, in presence of the learned counsel for the informant, submitted at Bar that the appellant is ready and Undertakes to pay Rs.3,000/- per month in the Bank Account of the informant. It is submitted that the appellant is in custody since 27.07.2025 (i.e. for more than five (05) months) and hence he may be enlarged on bail.

4. On the other hand, learned APP has opposed the prayer for bail. It is submitted that the appellant is the husband and has

assaulted and tortured the informant due to which her pregnancy was terminated twice and even her Uterus was removed and hence the prayer for bail may be rejected.

5. Learned counsel for the Informant, after adopting the submission of learned APP, has further submitted that the appellant is one of the main accused although he is husband and due to act of the appellant, the pregnancy of the informant was terminated twice. It is submitted that firstly in the year 2016 and thereafter in the year 2022 the informant's pregnancy was terminated by the acts of the appellant-husband. It is submitted that even the informant was ousted from the matrimonial home and she is living separately and hence the appellant may be directed to pay at least Rs.3,000/- to the complainant-informant for her survival.

6. Perused the records of this case, case diary and considered the submission of both the sides.

7. Para 52 of the case diary reveals that the informant had deposited documents before I.O regarding termination of pregnancy and Court Marriage with the appellant. The diary also reveals that the Panchayati was held earlier between the parties twice.

8. It appears that a mediation was held between the appellant and the informant before the DLSA, Chatra on 14.06.2023 in which the appellant agreed to pay 50% of his salary to the second party (i.e. his wife). However, the final negotiation could not be made between the parties.

9. Considering the custody of the appellant and considering that he is husband of the informant-Respondent No.2, the appellant- Hira Prajapati is directed to be released on bail, on furnishing bail bonds of Rs.15,000/- (Fifteen Thousand only) with two sureties of the like amount each, to the satisfaction of

learned Additional District Judge-I (SC/ST Special Judge), Chatra in connection with Tandwa P.S. Case No.279 of 2023, subject to his Undertaking given at Bar that he will pay Rs.3,000/- per month to the Respondent No.2-informant in her Bank Account, failing which, his bail may be liable to be cancelled.

10. Under the circumstances, the order dated 08.08.2025 passed by Sri S.M. Sahzad, learned Additional District Judge-I (SC/ST Special Judge), Chatra in connection with Tandwa P.S. Case No.279 of 2023, is set aside.

11. Thus, this Criminal Appeal (SJ) No. 894 of 2025 is allowed and stands disposed of.

12. Liberty is given to the informant to mention before the Court, if the appellant fails to deposit the amount of Rs.3,000/- per month regularly in her Bank Account.

(Sanjay Prasad, J.)

Dated: 05.01.2026
Saket/-