

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 2742 of 2020

Binoda Nand Jha @ Binodanand Jha Petitioner

Vs.

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

Through Video Conferencing

For the Petitioner : Mr. S. K. Deo, Advocate

For the State : Mr. Shekhar Sinha, P.P.

Order No. 02

Dated 11st September, 2020

Heard the learned counsel for the respective sides.

The defects, as pointed out by the office, is ignored.

The petitioner apprehends his arrest in connection with Jasidih P.S. Case No. 61 of 2019.

The informant was having a landed property which was recorded in the name of Yadunandan Jha and Janardan Jha. The land is a joint property of all the heirs and the descendants. It has been alleged that the petitioner along with the co-accused in order to grab the land in conspiracy with the co-accused persons had prepared the forged lease agreement in favour of BSNL for installing a mobile tower in the year 2010. It has further been alleged that the petitioner obtained Rs. 6,000/- per month as rent of the said joint property on account of setting up of the mobile tower.

It appears that a partition suit is pending between the legal heirs in which the petitioner has been arrayed as defendant No. 17. It further appears that the First Information Report was instituted after nine years from the date of execution of the lease agreement. The mobile tower was installed in the year 2011 and it took more than 8 years for the informant to institute a case making several allegations against the petitioner. The allegations therefore reveal that the same is an outcome of the civil dispute existing between the parties since long. The witnesses to the lease agreement have already been granted anticipatory bail by this Court in ABA 1857 of 2020.

On consideration of the aforesaid facts, I am inclined to extend the privilege of anticipatory bail to the petitioner. The petitioner

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accordingly is directed to surrender before the learned trial court within four weeks from today and on such surrender, they shall be released 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 Chief Judicial Magistrate, Deoghar in connection with Jasidih P.S. Case No. 61 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(RONGON MUKHOPADHYAY,J.)

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