

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
A.B.A. No. 3078 of 2020

1. Shahid Rahim
2. Talat Khatoon
3. Mojahid Rahim
4. Tahneat Arshi
5. Atif Rahim
6. Javed Khan
7. Md. Kalim Ansari @ Md. Kalim
8. Washim Akaram @ Washim Akram @ Babu

..... Petitioners

Versus

1. The State of Jharkhand
2. Salman Khan

..... Opp. Parties

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conferencing)

For the Petitioners	: Md. Sajid Yunus, Advocate.
For the State	: Mr. Naveen Kumar Ganjhu, A.P.P.
For the O.P. No. 2	: Mr. Sanjay Kumar Pandey No. 2, Adv.

02/Dated: 09/09/2020

Heard, learned counsel for the petitioners, Md. Sajid Yunus.

Learned counsel for the petitioners has submitted that defect nos. 9 (i) to (xi), as per Stamp Reporting dated 06.07.2020, have not been removed, which he undertakes to remove within 30 days after the physical court starts and prayed for hearing of the anticipatory bail application, as petitioners are apprehending their arrest during pandemic of Covid-19.

Considering the same, this Court is inclined to hear the instant anticipatory bail application on merits, but with condition that petitioners shall remove the defect(s) within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect(s).

Learned counsel for the petitioners has submitted that the petitioners are apprehending their arrest in connection with Katkamsandi P.S. Case No. 153/2019 for the offence registered under Sections 147, 148, 341, 323, 427, 384, 386, 420, 406, 467, 468, 471 I.P.C. with an allegation that these petitioners have taken a

sum of Rs. 34,50,000/- for a piece of land from the informant, but they have not executed sale deed in favour of the informant / complainant, rather executed sale deed in the name of the different persons.

Learned counsel for the petitioners has submitted that no such agreement to that effect relating to Rs.34,50,000/- has been executed by these petitioners, rather a sum of Rs.3,50,000/- has been handed over, for which petitioner no.3 namely, Mojahid Rahim has filed Title Suit No.156/2019 and a counter criminal case has also been instituted vide Complaint Case No.1769/2019.

Learned counsel for the petitioners has submitted that considering the land dispute and counter case between the parties and in absence of any suit for specific performance of contract and in absence of any written agreement with regard to Rs.34,50,000/-, petitioners may be enlarged on anticipatory bail.

Learned counsel for the State, Naveen Kumar Ganjhu, Additional Public Prosecutor has opposed the prayer of bail and has submitted that some time may be given to bring on record the agreement with respect to Rs.34,50,000/- and the fact of the dispute.

Considering the rival submissions of the parties, four weeks' time is granted to learned counsel for the State as well as learned counsel for the informant/complainant to file counter affidavit, after serving a copy of the same to the counsel for the petitioners, Md. Sajid Yunus through e-mail or through physical paper.

Two weeks' time is granted to learned counsel for the petitioners thereafter to file reply after serving a copy of the same upon the State counsel as well as counsel for informant.

Put up this after six weeks.

In the meantime, no coercive steps shall be taken against the petitioners / not to arrest the petitioners in connection with Katkamsandi P.S. Case No. 153/2019, pending in the court of Judicial Magistrate, 1st Class, Hazaribagh.

(Kailash Prasad Deo, J.)