

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
A.B.A. No. 3086 of 2020

1. Budhdeo Pandit
2. Indradeo Pandit
3. Jai Narayan Pandit

..... Petitioners

Versus

The State of Jharkhand

..... Opp. Party

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

For the Petitioners : Mr. Tarun Kumar No. 1, Advocate.
For the State : Mr. Sanjay Kumar Srivastava, A.P.P.

02/Dated: 09/09/2020

Heard, learned counsel for the petitioners, Mr. Tarun Kumar No. 1.

Learned counsel for the petitioners has submitted that defect nos. 9 (i) & (ii), as per Stamp Reporting dated 07.07.2020, 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 Bengabad P.S. Case No. 481/2019 for the offence registered under Sections 341, 323, 325, 354, 379, 34 I.P.C.

Learned counsel for the petitioners has submitted that admittedly there is land dispute between the parties and the petitioners have also filed a counter case which has been registered as Bengabad P.S. Case No. 482/2019 under Sections 341, 323, 325, 354, 379, 34 of the I.P.C. and petitioner no. 1 has also filed Giridih

(T) P.S. Case No.440/2013 corresponding to G.R. No.4033/2013 under Section 420,467, 468,471,323,379,387/34 IPC and in the present case because of the land dispute, the petitioners have been made accused. Petitioner no.1 is aged about 88 years, as such, petitioners may be enlarged on anticipatory bail as they have no criminal antecedent.

Learned counsel for the State, Mr. Sanjay Kumar Srivastava, Additional Public Prosecutor has opposed the prayer for bail but has not denied that there is case and counter case between the parties and there is land dispute between the parties.

Considering the rival submission of the parties and also considering the fact that there is case and counter case between the parties with respect to the same offence and there is land dispute between the parties, the petitioners are directed to surrender before the court below within eight weeks from the date of this order and in the event of their arrest or surrender, the court below shall enlarge the above named petitioners on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of J.M., 1st Class, Giridih, in connection with Bengabad P.S. Case No. 481 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also on the following conditions:

(i) One of the bailors shall be the deponent / pairvikar of the present case namely, Bijli Devi, wife of Budhdev Pandit, resident of Village – Luppi, P.O. - Luppi, P.S. - Bengabad, District – Giridih, who has furnished photocopy of her UID Card bearing number 3316 1394 2881 before this Court in the bail application.

Office is directed to send the photocopy of UID Card bearing no. 3316 1394 2881 of deponent alongwith this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be close relative of the petitioners i.e. father / mother / son / wife / brother.

Accordingly, the instant anticipatory bail application is hereby allowed.

(Kailash Prasad Deo, J.)