

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Criminal Miscellaneous Jurisdiction)**  
**A.B.A. No. 3111 of 2020**

1. Debu Rai  
2. Sadanand Rai  
3. Pota Rai @ Dayanand @ Pouti Rai  
4. Guba Rai  
5. Budhu Rai

..... Petitioners

**Versus**

The State of Jharkhand

..... Opp. Party

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

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For the Petitioners : Mr. Manoj Kumar Sah, Advocate.  
For the State : Mr. Sanjay Kumar Srivastava, A.P.P.  
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**02/Dated: 09/09/2020**

Heard, learned counsel for the petitioners, Mr. Manoj Kumar Sah.

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 Godda (Muffasil) P.S. Case No. 171/2019 for the offence registered under Sections 147, 148, 149, 379, 504, 506, 34 I.P.C. and Sec. 25(1-B)a Arms Act.

Learned counsel for the petitioners has submitted that no arms has been recovered from possession of these petitioners and because of land dispute prevailing between the parties, the case has been instituted under Section 379 I.P.C., which is only non-bailable in nature.

Learned counsel for the petitioner has submitted that large number of civil litigation are pending between the parties, such as Title Suit No.193/1997, Title Partition Suit No.28/2005 and Title Partition Suit No.86(A)/2014, as such, petitioners, who have no criminal antecedent, as stated in para-27 of the petition, may be enlarged on anticipatory bail.

Learned counsel for the State, Mr. Sanjay Kumar Srivastava, Additional Public Prosecutor has opposed the prayer for bail.

Considering the rival submission of the parties and looking to the facts and material brought on record and also seeing the litigating terms arising out civil suits, the petitioners are directed to surrender in 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 Chief Judicial Magistrate, Godda, in connection with Godda (Muffasil) P.S. Case No. 171/2019, 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, Gayatri Charan Vatsh, son of Banmali Jha, resident of 186 Sunder Sadan, Ward No.-02, P.O. - Godda, P.S. Godda (T), District - Godda, who has furnished photocopy of his UID Card bearing number 5916 7276 6516 before this Court in the bail application.

***Office is directed to send the photocopy of UID Card bearing no. 5916 7276 6516 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.)**

Sunil-Jay/