

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Miscellaneous Jurisdiction)

A.B.A. No. 3131 of 2020

1. Jakir Mian
2. Abdul Kalam
3. Hakimuddin Ansari
4. Alimuddin Ansari
5. Afsana Khatoon
6. Gulshan

..... Petitioners

Versus

The State of Jharkhand

.....Opposite Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

Through:- Video Conferencing

For the Petitioners : Mr. Vikash Kumar, Advocate
For the State : Mr. Vishwanath Ray, A.P.P.

02/Dated: 09/09/2020

Learned counsel for the petitioners has submitted that though there are defect nos. 9(i) and 9(ii) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defects 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 anticipatory bail application on merits, but with condition that petitioners shall remove the defects 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 defects.

Heard, learned counsel for the petitioners, Mr. Vikash Kumar and learned counsel for the State, Mr. Vishwanath Ray.

Learned counsel for the petitioners has submitted that petitioners are apprehending their arrest in connection with Hazaribagh Muffasil P.S. Case No.08 of 2020, for the offence under Sections 341, 323, 452, 379, 34 IPC and 3/4 of Prevention of Witch Craft (Daain) Practices Act.

Learned counsel for the petitioners has submitted that informant is mother-in-law of daughter of petitioner no.1, Ruby Khatoon. Earlier a complaint case was filed by Ruby Khatoon vide complaint case no.1520 of 2019 in which cognizance has been taken under Sections 498(A), 120(B), 312, 313, 354(B), 323, 383, 384/34 IPC and 3/4 of D.P. Act in which informant is also an accused. To counter blast that case, the present case has been filed in the year,

2020 with an allegation under Prevention of Witch Craft (Daain) Practices Act.

Learned counsel for the petitioners has further submitted that under these facts and circumstances these petitioners may be enlarged on anticipatory bail as they are relatives of Ruby Khaton.

Learned counsel for the State has opposed the prayer for bail but has not disputed the factual aspect of the matter.

Considering the rival submission of the parties and considering case and counter case between the parties, I am inclined to enlarge the petitioners on anticipatory bail. 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 learned C.J.M., Hazaribag in connection with Hazaribagh Muffasil P.S. Case No.08 of 2020 subject to the conditions, as laid down under Section 438(2) Cr.P.C and also on the following conditions:-

(i) One of the bailors shall be deponent/parivikar of the present case namely, Pradeep Kumar Kushwaha, S/o Moti Mahto, R/o Mandai Khurd, P.O. & P.S.- Mandai Khurd, District- Hazaribag, who has furnished photocopy of his UID Card bearing No.7421 6771 5620 before this Court in the bail application.

Office is directed to send photo copy of the UID Card bearing No. 7421 6771 5620 of deponent along with this order to the court below so as to verify the authenticity of the bailor.

Accordingly, the instant anticipatory bail application is hereby allowed.

(Kailash Prasad Deo, J.)