

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6440 of 2021

1. Panchanan Mahato @ Panchanand Mahato
2. Rabiandranath Mahato @ Neda Mahato
3. Kartik Mahato
4. Bhuti Mahato @ Bhuri Mahato
5. Prakash Mahato @ Budha Mahato Petitioners

Versus

The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Amit Sinha, Advocate
For the State : Mr. Subodh Kr. Dubey, Addl.P.P

Order No.02 Dated- 09.09.2021

Heard the parties through video conferencing.

Learned counsel for the petitioners undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioners, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending their arrest in connection with Nimdih P.S. Case No.30 of 2021 instituted under Sections 147, 148, 149, 353, 307, 323, 341, 427, 186, 188, 269, 270 of the Indian Penal Code, Section 51 of Disaster Management Act and Section 3 of Epidemic Act, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners were the members of an unlawful assembly armed with deadly weapons and in prosecution of the common object of the assembly in violation of prohibitory orders of the lockdown imposed in the light of the Covid-19 pandemic, attacked the police party who restrained them from holding a fair in violation of the said prohibitory order and made murderous attempt and caused injury to the informant-Mukesh Kumar, Officer-in-Charge-Ali Akbar Khan, Assistant Sub Inspector-Lakhan Oraon, Assistant Sub Inspector-Amar Kumar Yadav and Assistant Sub Inspector-Amarendra Gautam. It is submitted that the allegation against the petitioners is false and the injuries sustained by the informant are simple in nature. It is further submitted that the petitioners undertake that they will not annoy or disturb the informant and the victims in any

manner during the pendency of the case. It is next submitted that the co-accused person with similar allegation has been given the privilege of anticipatory bail by this Court vide order dated 06.09.2021 passed in A.B.A. No.6206 of 2021. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and undertake to jointly pay ad interim victim compensation of Rs.50,000/- to the five victims namely the informant-Mukesh Kumar, Officer-in-Charge-Ali Akbar Khan, Assistant Sub Inspector-Lakhan Oraon, Assistant Sub Inspector-Amar Kumar Yadav and Assistant Sub Inspector-Amarendra Gautam without prejudice to their defence in this case. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned A.C.J.M. at Seraikella within six weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail on jointly depositing five separate demand drafts each of Rs.10,000/- as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the victims namely the informant-Mukesh Kumar, Officer-in-Charge-Ali Akbar Khan, Assistant Sub Inspector-Lakhan Oraon, Assistant Sub Inspector-Amar Kumar Yadav and Assistant Sub Inspector-Amarendra Gautam and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. at Seraikella in connection with Nimdih P.S. Case No.30 of 2021 **with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile number during the pendency of the case** and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioners deposit the said demand draft, the court below is directed to issue notice to the aforesaid victims case and on their proper identification, the court below shall handover the same to them forthwith.

(Anil Kumar Choudhary, J.)