

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6458 of 2021

1. Kedar Goswami
2. Mantu Goswami

.... Petitioners

Versus

The State of Jharkhand

.... Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Yogesh Modi, Advocate
For the State : Mr. Shailesh Kr. Sinha, 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 Gandey P.S. Case No. 01 of 2021 instituted under Sections 323, 307, 511, 34, 328 of the Indian Penal Code, 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 attempted to murder the informant by giving him *neera* (palm nectar, that is a sap extracted from the inflorescence of various species of toddy palms and used as a drink). It is submitted that the allegation against the petitioners is false. It is next submitted that for the selfsame occurrence from the side of the petitioners, Complaint Case No.2178 of 2020 has been instituted by the wife of petitioner no.1 against the informant party and as a counter blast, this false case has been foisted against the petitioners. It is further submitted that the petitioners undertake that they will not annoy or disturb the informant or any of his family members in any manner during the pendency of the case. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and undertakes to jointly pay ad interim victim compensation of Rs.20,000/- without prejudice to their defence in this case to the informant subject to final decision of 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 within four months from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on jointly depositing a demand draft of Rs.20,000/- as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the informant 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 ACJM, Giridih in connection with Gandey P.S. Case No. 01 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** with condition that they will not annoy or disturb the informant or any of his family members in any manner 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 jointly deposit the said demand draft, the court below is directed to issue notice to the informant and on his proper identification, the court below shall handover the same to him forthwith.

In case the petitioners jointly deposit Rs.20,000/-, learned court below will pass an appropriate order regarding the same at the time of conclusion of trial.

(Anil Kumar Choudhary, J.)