

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
A.B.A. No.6464 of 2021**

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Tarak Nath Tiwari   ....     ....     ....     Petitioner  
  Versus  
The State of Jharkhand   ....     ....     ....Opposite Party  
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**CORAM   : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**  
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For the Petitioner               : Mr. Deepak Kumar, Advocate  
For the State                        : Mr. Shekhar Sinha, P.P  
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**Order No.02 Dated- 09.09.2021**

Heard the parties through video conferencing.

Learned counsel for the petitioner 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 petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest in connection with Chas P.S. Case No. 99 of 2021 instituted under Sections 420, 406 of the Indian Penal Code, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the co-accused Vikash Kumar Tiwari took Rs.13,50,000/- from the informant along with the petitioner through cash as well online transactions on different dates but as the informant asked him to execute the sale deed; the co-accused neither returned the money nor executed the sale deed. It is submitted that the allegation against the petitioner is false. It is next submitted that in page no.12 of the brief, which is the copy of the F.I.R. therein it has categorically been mentioned that the amount has been paid to the co-accused person and even though no amount has been mentioned to have been paid to the petitioner therein but in fact the petitioner has taken Rs.19,000/- from the informant and he is ready and willing to repay the same. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case and undertakes to pay Rs.19,000/- without prejudice to his defence in this case to the informant subject to final decision of this case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

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

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court within six weeks from today and in the event of his arrest or surrendering, the petitioner will be enlarged on bail on depositing a demand draft of Rs.19,000/- without prejudice to his defence in this case drawn in favour of the informant and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bokaro in connection with Chas P.S. Case No. 99 of 2021 **with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his 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 petitioner 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 petitioner deposits Rs.19,000/-, learned court below will pass an appropriate order regarding the same at the time of conclusion of trial.

**(Anil Kumar Choudhary, J.)**