

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6539 of 2021**

Naresh Bansfore @ Naresh Basfor ... Petitioner
Versus
The State of Jharkhand & Anr. ... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Soumitra Baroi, Advocate
For the State : Mr. Nawin Kr. Singh, Addl. P.P.

Order No.02 Dated- 09.09.2021

Heard the parties through video conferencing.

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

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

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Sector-4 P.S. Case No.109 of 2019 registered under sections 420/406/448/323/341/379/354 of the Indian Penal Code.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner purchased a tempo after taking loan from bank and he was paying monthly installment to the bank also and the informant was approached by the petitioner and his son to run the said tempo on the condition that they will pay the loan installment of the tempo and will give 50 % of the profit to the informant but the son of the petitioner defaulted in payment of installment and when the informant requested the petitioner and his son to return the said tempo, the petitioner trespassed into the house of the informant bit him, threatened him, snatched wrist watch and took Rs.300/- kept on the table and also snatched silver chain from the neck of the wife of the informant. It is further submitted that the allegations against the petitioner are all false and the case between the parties is basically a civil dispute. It is then submitted that the petitioner is ready and willing to pay Rs.

5,000/- as ad interim victim compensation to the informant without prejudice to his defence in this case, subject to final decision of the case and undertakes to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of six weeks from the date of this order, he shall be released on bail on depositing a demand draft of Rs. 5,000/- as ad interim victim compensation drawn in favour of informant without prejudice to his defence in this case, subject to final decision of the case and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bokaro, in connection with Sector-4 P.S. Case No.109 of 2019 with the condition that the petitioner will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioner deposits the ad interim victim compensation amount, the court below is directed to issue notice to the informant and hand over the said demand draft to him, after proper identification.

At the time of conclusion of the trial, the trial court will pass appropriate order regarding the money if any, deposited by the petitioner with the informant in connection with this case.

(Anil Kumar Choudhary, J.)