

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 6554 of 2021

1. Nitesh Kumar Thakur
2. Manoj Gosai ... Petitioners

Versus

The State of Jharkhand & Anr. ... Opposite Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Md. Naimuddin Ansari ,Adv.
For the State : Mr. Ravi Prakash, Spl. P.P.

02/10.09.2021

Heard the parties through Video Conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by learned counsel for the petitioner the defects pointed out by the Stamp Reporter are ignored for the present.

Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Complaint case no. 5516 of 2019 registered under Sections 406, 420, 504 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that an agreement was entered into between the petitioners and the complainant to purchase a land for business and Rs. 19,00,000/- was given as consideration amount for registration of the aforesaid land mentioned in the complaint petition but after taking the money, the said land was not registered in favour of the complainant. It is then submitted that the allegations against the petitioners are all false and those allegations are general and omnibus in nature. It is further submitted by learned counsel for the petitioners that the agreement was entered into between the Bhola Gosai and Sanjay Kumar Gosai being the first party and Nilay Kumar Jha-complainant, being the second party. It is further submitted by

learned counsel for the petitioners that the said Rs. 25,00,000/- advance has been taken by the co-accused Bholu Gosai and Sanjay Kumar Gosai and the petitioner no. 2 is only a witness to the aforesaid agreement and the petitioner no. 1 is in no way concerned with the said agreement. It is next submitted that the petitioners are ready to co-operate with the trial of the case and there is no allegation of any dishonest intention on the part of the petitioners at the time of alleged entrustment of money to them. It is further submitted by learned counsel for the petitioners that the dispute between the parties is at best a civil hence, the petitioners be given the privilege of anticipatory bail.

The learned Spl. PP opposes the prayer for anticipatory bail of the petitioners.

Considering aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioners. Hence, in the event of arrest by the police or surrender within a period of six weeks from the date of this order, the petitioners shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M., Ranchi in connection with Complaint case no. 5516 of 2019 subject to the condition that the petitioners will co-operate with the trial of the case along with the other conditions laid down under section 438 (2) Cr. P.C.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-