

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**A.B.A. No. 6640 of 2021**

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Upendra Kumar	...	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. Indrajit Sinha, Advocate
For the State	: Mrs. Priya Shrestha, Addl. P.P.

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**Order No.02 Dated- 10.09.2021**

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 Ratu P.S. Case No.44 of 2021 registered under sections 326/337/338/307/302/120B of the Indian Penal Code and under Section 25(1-A)/25(1-B)/25(6)/25(7)/26/35 of Arms Act.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner in criminal conspiracy has committed the murder of revenue *karamchari* namely Satya Prakash Srivastava as the said *karamchari* was not passing favourable orders in the matter of land of the petitioner and the motorcycle of the petitioner was used in the said commission of murder. It is further submitted that the allegations against the petitioner are all false and the very motive of the petitioner for being implicated in this case that he is having a land in Ranchi is out and out false and he is a teacher but he takes private tuition only. It is next submitted that his motorcycle might have been used by the co-accused persons but has not been used

by the actual killer. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. on the other hand vehemently opposes the prayer for grant of anticipatory bail and submits that principal accused-Gyan Prakash Tiwari has categorically stated in his confessional statement before the police that the motorcycle of the petitioner was used in the commission of offence after removing the number plate of the vehicle therefore, the custodial interrogation of the petitioner is required during the investigation of the case and only after custodial interrogation it can be ascertained that whether the petitioner is having land in Ranchi either in his name or in the name of his relatives. Hence, it is submitted that the petitioner ought not to be given the privilege of anticipatory bail.

Considering the serious nature of allegation against the petitioner as well as the requirement of his custodial interrogation during the investigation of the case, this Court is of the considered view that this is not a fit case where the above named petitioner be given the privilege of anticipatory bail. Accordingly, the prayer for grant of privilege of anticipatory bail of the above named petitioner is rejected.

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

Sonu/Gunjan-