

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 6079 of 2021

1. Lallu Bhuiyan
2. Ashok Bhuiyan @ Ashok Kumar Bhuiyan
3. Ajay Bhuiyan @ Ajay Kumar Bhuiyan
4. Rupesh Kumar Bhuiyan @ Rupesh Bhuiyan
5. Mukesh Bhuiyan
6. Sanoj Bhuiyan
7. Prasad Bhuiyan @ Prasad Bhuiyan
8. Chandan Bhuiyan ... Petitioners

Versus

The State of Jharkhand ... Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Nilesh Kumar ,Adv.
For the State : Mr. Anup Pawan Topno ,Addl. P.P.

02/03.09.2021

Heard the parties through Video Conferencing.

Learned counsel for the petitioners 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 petitioners 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 Manika P.S. Case No. 49 of 2021 registered under Sections 436/ 34 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners in furtherance of common intention with the co-accused persons, have caused mischief by setting the house of the informant on fire. 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 there is no eye witness to the occurrence and Phul Kumari, who is said to have been present in the said house which was set on fire, has categorically stated that she has not seen anybody setting the house on fire but since the petitioners were roaming

before and after the occurrence near the house of the informant and also the informant is having land dispute with the petitioners, hence, strong suspicion is raised that the petitioners might have set the house on fire. It is next submitted that the petitioners are ready to co-operate with the investigation of the case and also undertake to pay Rs. 25,000/- jointly as ad interim victim compensation to the informant without prejudice to their defence, subject to final decision in the case hence, the petitioners be given the privilege of anticipatory bail.

The learned Addl. 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 depositing Rs. 25,000/- jointly by way of demand draft drawn in favour of informant as ad interim victim compensation without prejudice to their defence and 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 ACJM, Latehar in connection with Manika P.S. Case No. 49 of 2021 subject to the condition that the petitioners will co-operate with the Investigation of the case and will appear before the Investigating Officer as and when noticed by him and will submit mobile number and photocopy of *Aadhaar* card at the time of surrender in the court below with an undertaking not to change mobile number during the pendency of the case along with the other conditions laid down under section 438 (2) Cr. P.C.

In case of depositing aforesaid demand draft by the petitioners, learned court below is directed to issue notice to the informant and release the demand draft in his favour on proper identification forthwith.

In case the petitioners deposit a demand draft of Rs. 25,000/- drawn in favour of the informant, learned court below will pass an appropriate order regarding the same at the time of conclusion of trial.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-