

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6080 of 2021

1. Arbind Kumar Pandey @ Arbind Pandey
2. Prabha Devi @ Prabha Pandey
3. Riya Kumari @ Riya Pandey Petitioners
Versus
The State of JharkhandOpposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. R.R. Shekhar Singh, Advocate
For the State : Mr. Pradeep Kr. Verma, Addl.P.P

Order No.02 Dated- 03.09.2021

Heard the parties through video conferencing.

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

Apprehending their arrest in connection with Barharwa P.S. Case No. 116 of 2020 (G.R. No.651 of 2020) instituted under Sections 212, 225, 323, 353, 120-B of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioners submits that earlier the prayer for anticipatory bail of the petitioners was rejected by this Court vide order dated 23.07.2021 passed in A.B.A. No.4505 of 2021. It is next submitted that the allegation against the petitioners is that the petitioners facilitated the co-accused-Santosh Tiwari in Lalmatia P.S. Case No.58 of 2020 to escape from the custody of the police and the fact that the co-accused-Santosh Tiwari has been arrested could not be brought to the notice of the court; when the petitioners moved this Court for the prayer for anticipatory bail earlier. It is submitted that the allegation against the petitioner is false. It is further submitted that the co-accused Santosh Tiwari has been arrested in connection with Lalmatia P.S. Case No.58 of 2020 after institution of the first information report of this case. Drawing attention of this Court towards page nos.17-21 of the brief, which is the copy of the certified copy of the order sheet dated 19.11.2020 in M.C.A. No.448 of 2020, it is submitted by the learned counsel for the petitioner that the co-accused Santosh Tiwary was in custody since 21.09.2020 in connection with the said Lalmatia P.S. Case No.58 of 2020 and the

FIR of this case was registered on 16.09.2020. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and undertake to jointly pay ad interim victim compensation of Rs.10,000/- without prejudice to their defence in this case to the informant. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

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

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court within six weeks from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on jointly depositing a demand draft of Rs.10,000/- as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the informant and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.1st Class, Rajmahal in connection with Barharwa P.S. Case No. 116 of 2020 (G.R. No.651 of 2020) **with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their 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 petitioners 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.

(Anil Kumar Choudhary, J.)