

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6122 of 2021

Rajesh Kumar @ Mithilesh Rajwar @ Mithlesh Rajwar
..... Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. S. K. Murty, Advocate

For the State : Mr. Shekhar Sinha, P.P

Order No.02 Dated- 03.09.2021

Heard the parties through video conferencing.

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

Apprehending his arrest in connection with Gawan P.S. Case No.27 of 2021 instituted under Sections 363, 366 (A), 323, 504, 506, 34 of the Indian Penal Code and Section 8/12 of POCSO Act, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner, along with the co-accused persons went to the house of the informant and abused the wife of the informant and the accused- Chhote Rajwar and Kopindra Rajwar threatened the informant that they will kidnap his daughter and when the wife of the informant objected to the same, the petitioner pushed his wife and later on the victim-daughter of the informant was kidnapped. It is submitted that the allegation against the petitioner is false. Drawing attention of this Court towards the copy of the certified copy of the statement of the victim recorded under Section 164 Cr.P.C., learned counsel for the petitioner submits that therein it has categorically been stated by the victim that she was in love with the co-accused Chhote Rajwar for two years and she went with him to Nawada in the State of Bihar by catching a bus from Basodih and the victim and the co-accused Chhote Rajwar solemnized marriage in a

temple. It is then submitted that the petitioner undertakes that he will not disturb or annoy the informant in any manner during the pendency of the case. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case and to pay ad interim victim compensation of Rs.10,000/- without prejudice to his defence in this case in favour of the informant of this case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

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

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court of learned Special Judge, POCSO Act, Giridih within six weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on depositing a demand draft of Rs.10,000/- as ad interim victim compensation without prejudice to his defence in this case drawn in favour of the informant of this case and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount to the satisfaction of learned Special Judge, POCSO Act, Giridih in connection with Gawan P.S. Case No.27 of 2021 **with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case and he will not disturb or annoy the informant in any manner 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 petitioner deposits the said demand draft, the court below is directed to issue notice to the informant of this case and on his proper identification, the court below shall handover the same to him forthwith.

(Anil Kumar Choudhary, J.)