

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6134 of 2021

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| 1. Bolo Pandit @ Balram Pandit @ Bodo Pandit | |
| 2. Pushpa Devi | |
| 3. Hemlal Pandit | |
| 4. Rabri Devi | Petitioners |
| Versus | |
| The State of Jharkhand |Opposite Party |

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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| For the Petitioners | : Mr. Manoj Kr. Sah, Advocate |
| For the State | : Mr. Sanat Kr. Jha, Addl.P.P |

Order No.02 Dated- 07.09.2021

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 Godda(T) P.S. Case No. 146 of 2019 instituted under Sections 328, 302, 120-B, 34 of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel for the petitioners submits that the petitioner no.1-Bolo Pandit @ Balram Pandit @ Bodo Pandit has been arrested, hence, he does not want to press the prayer for anticipatory bail of the petitioner no.1-Bolo Pandit @ Balram Pandit @ Bodo Pandit.

Accordingly, the prayer for anticipatory bail of the petitioner no.1-Bolo Pandit @ Balram Pandit @ Bodo Pandit is rejected as not pressed.

So far the petitioner nos.2-4 are concerned, the learned counsel for the petitioners submits that the allegation against the petitioner nos.2-4 is that the petitioner nos.2-4 in criminal conspiracy and in furtherance of the common intention with the co-accused persons have committed the murder the son of the informant namely Sukra Pandit. It is submitted that the allegation against the petitioner nos.2-4 is false. It is further submitted that there is an unexplained and inordinate delay in institution of the compliant, which upon being referred to the police under Section 156(3) of Cr.P.C., the F.I.R. of this case has been

foisted against the petitioner nos.2-4. It is further submitted that in supervision note in para 37 of the case diary, it has been mentioned that no evidence could be gathered in case the petitioner nos.2-4. It is also submitted that the witnesses examined by the police under section 161 Cr.P.C. including the son of the informant, the statement of whom has been recorded in para 43, Kishan Mahto whose statement appears in para 44, Manilal Choudhary whose statement appears in para 45, Magal Mahto whose statement appears in para 46, the independent witness namely Adhik Lal Mahto whose statement appears in para 47, the independent witness Kiran Devi whose statement appears in para 48 and the witness Fokan Thakur whose statement has been mentioned in para 49 of the case diary, all have stated that the deceased died by committing suicide upon consuming poison. It is lastly submitted that the petitioner nos.2-4 are ready and willing to co-operate with the investigation of the case. Hence, it is submitted that the petitioner nos.2-4 be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner nos.2-4.

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 nos.2-4. Accordingly, the petitioner nos.2-4 are directed to surrender in the Court within six weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail 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 CJM, Godda in connection with Godda(T) P.S. Case No. 146 of 2019 **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.

(Anil Kumar Choudhary, J.)