

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
A.B. A. No. 6139 of 2021

Ashok Mishra

...

Petitioner

Versus

The State of Jharkhand

...

Opposite Party

**Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

For the Petitioner

: Mr. Amritansh Vats ,Adv.

For the State

: Mr. Vineet Kr. Vashistha ,Addl. P.P.

**02 / 07.09.2021**

Heard the parties through Video Conferencing.

Learned counsel for the petitioner 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 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 Latehar P.S. Case No. 95 of 2021 registered under Sections 406, 420, 323, 341, 506 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner has taken an advance of Rs. 12,00,000/- from the informant for sale of land but he is neither selling the land nor returning the money. It is then submitted that the allegations against the petitioner are all false and those allegations are general and omnibus in nature. It is further submitted by learned counsel for the petitioner that the petitioner has no criminal antecedent, as mentioned in paragraph 16 of the anticipatory bail application. It is next submitted that the petitioner is ready to co-operate with the investigation of the case and also undertakes to pay Rs. 12,10,000/- to the informant without prejudice to his defence and subject to final decision of the case, hence, the petitioner be given the privilege of anticipatory bail.

The learned Addl. PP opposes the prayer for anticipatory bail of the petitioner.

Considering aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner. Hence, in the event of arrest by the police or surrender within a period of four months from the date of this order, the petitioner shall be released on bail on depositing Rs. 12,10,000/- by way of demand draft drawn in favour of informant without prejudice to his defence and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Latehar in connection with Latehar P.S. Case No. 95 of 2021 subject to the condition that the petitioner 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 petitioner, learned court below is directed to issue notice to the informant and release the demand draft in his favour on proper identification forthwith.

At the time of conclusion of the trial the trial court is directed to pass necessary order is regarding the payment, if any, made by the petitioner to the informant.

**(ANIL KUMAR CHOUDHARY, J.)**

Smita/-