

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 6220 of 2021

1. Deepak Shrivastava @ Deepak Shrivastawa
2. Smt. Kajal Devi ... Petitioners

Versus

The State of Jharkhand ... Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. P.P. N. Roy, Sr. Adv.
For the State : Mr. Abhay Kr. Tiwari, Addl. P.P.
For the informant : Mr. A.K. Chaturvedy, Adv.

02/06.09.2021

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 Daltonganj Town P.S. Case No. 69 of 2021 registered under Sections 406, 420, 120B, 34 of the Indian Penal Code.

Learned senior counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners cheated the informant of Rs. 40,00,000/- for selling his land. It is then submitted that the allegations against the petitioners are all false. It is further submitted by learned counsel for the petitioners drawing attention of the court to the agreement entered into between the parties, the copy of which has been kept at page 22-31 of the brief, that in page 28 and 29 it has been mentioned that the informant has to pay Rs. 84,00,000/- to the petitioner and only upon that, the petitioner is to hand over the vacant possession of the half of the back side of the land and house to the informant but the informant without paying Rs. 84,00,000/-, has filed this criminal case to avoid the terms and condition of the said agreement entered into between the informant and the petitioner voluntarily. It is further submitted by learned senior counsel for the petitioners that the

petitioners are still ready and willing to abide by the said terms and condition of the agreement if the informant pays remaining Rs. 84,00,000/- to them, hence, no offence is made out against the petitioners. It is next submitted that the petitioners are ready to co-operate with the investigation of the case and the dispute between the parties is at best a civil dispute hence, the petitioners be given the privilege of anticipatory bail.

The learned Addl. PP and learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners and they submit that since the sons of petitioners are also demanding Rs. 20,00,000/- each from the informant though they are not the owner of the land as the petitioners are exclusive owners of the land.

Considering aforesaid facts 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 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 CJM, Palamau at Daltonganj in connection with Daltonganj Town P.S. Case No. 69 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.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-