

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6256 of 2021

1. Birendra Pal @ Birendra Kumar Pal
2. Amar Kumar Pal @ Amar Kumar @ Amar Pal
..... Petitioners
Versus
The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Lukesh Kumar, Advocate
For the State : Ms. Ruby Pandey, 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 Patherdih P.S. Case No.03 of 2021 (Spl. POCSO Case No.14 of 2021) instituted under Sections 341, 323, 354 (A), 504, 34 of the Indian Penal Code and Section 8 of POCSO Act, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners, in furtherance of the common intention along with the co-accused persons, outraged the modesty of the minor daughter of the informant and caused sexual assault upon her. It is submitted that the allegation against the petitioners is false. It is next submitted that for the self-same occurrence, from the side of the petitioner, the petitioner No.1 first lodged Patherdih P.S. Case No.02 of 2021 and thereafter as a counter-blast, this false case has been foisted against the petitioners. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to jointly pay ad interim victim compensation of Rs.20,000/- without prejudice to their defence in this case in favour of 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 of learned Additional Sessions Judge-IX-cum-Spl. Judge-POCSO, Dhanbad within six weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail on jointly depositing a demand draft of Rs.20,000/- 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 Additional Sessions Judge-IX-cum-Spl. Judge-POCSO, Dhanbad in connection with Patherdih P.S. Case No.03 of 2021 (Spl. POCSO Case No.14 of 2021) **with the condition that they will cooperate 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 of this case and on his proper identification, the court below shall handover the same to him forthwith.

(Anil Kumar Choudhary, J.)