

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.6286 of 2021

1. Prakash Chandra Yadav @ Jay Prakash Yadav
2. Ankush Yadav @ Ankush Rajhans ... Petitioners
Versus
The State of Jharkhand ... Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Vimal Kirti Singh, Advocate
: Mr. Siddhartha, Advocate
: Mr. Rahul Kumar, Advocate
: Ms. Stuti Sinha, Advocate
: Mr. Ashish Aman, Advocate
For the State : Mrs. Priya Shrestha, Spl. P.P.
For the Informant : Mrs. Jasvindar Mazumdar, Advocate

Order No.02 Dated- 07.09.2021

Heard the parties through video conferencing.

Learned counsel for the petitioners personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the 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 Sahibganj (Mufassil) P.S. Case No.18 of 2021 registered under sections 341/323/302/201/504/506/34 of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners in furtherance of common intention with the co-accused persons has committed the murder of the brother of the informant Pradip Mahaldar and caused disappearance of evidence of murder. It is further submitted that the allegations against the petitioners are all false and drawing attention of this Court to annexure-5 at page no.46-47 of the brief which is the copy of the certified copy of the compromise petition filed in the court of Additional Sessions Judge-I, Sahibganj, it is submitted that therein it has been

mentioned that the informant has lodged this FIR on the basis of suspicion only and he was not present at the place of occurrence. It is jointly submitted by the learned counsel for the petitioners and the learned counsel for the informant that the deceased died because of accidental fall from the truck in the river while the same was transported in Ro-Ro vessel of the petitioners. It is next submitted that the informant has also filed a counter affidavit and the postmortem report reveals that the deceased died because of drowning and except suspicion, there is no material in the record to implicate the petitioners in this case. It is then submitted that the petitioners are ready and willing to cooperate with the investigation of the case. Hence, it is submitted that the petitioners be given the privilege of anticipatory bail.

Learned Spl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioners be given the privilege of anticipatory bail. Hence, in the event of their arrest or surrender within a period of six weeks from the date of this order, they 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 C.J.M., Sahibganj, in connection with Sahibganj (Mufassil) P.S. Case No.18 of 2021 with the condition that the petitioners will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish their mobile numbers and a copy of their Aadhar Cards in the court below with the undertaking that they will not change their mobile numbers during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

(Anil Kumar Choudhary, J.)