

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6324 of 2021

1. Anzarul Haque
2. Maksood Khan
3. Gulam Mustafa
4. Firoz Khatoon @ Firoza Khatoon ... Petitioners
Versus
The State of Jharkhand ... Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Deepak Kumar, Advocate
: Mr. Avilash Kumar, Advocate
For the State : Mr. Satish Prasad, Addl. P.P.
For the Informant : Mr. Sanjay Prasad, Advocate

Order No.02 Dated- 10.09.2021

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 Jainagar P.S. Case No.86 of 2021 registered under sections 323/307/302 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 father of the informant. It is next submitted that petitioners are not named in the FIR and after the death of the deceased several days after the occurrence, the wife of the deceased namely Praveen Begam, as an afterthought has falsely implicated all the petitioners. It is then submitted that the informant who also is an eyewitness to the occurrence has not stated about the involvement of the petitioners in the offence

rather she has stated about only the co-accused Sahid Khan having assaulted the deceased with axe. Hence, it is submitted that the petitioners be given the privilege of anticipatory bail.

Learned Addl. P.P. and the learned counsel for the informant on the other hand vehemently opposes the prayer for grant of anticipatory bail and submits that the daughter of the deceased immediately after the occurrence might not have disclosed the name of all the assailants as she was terrified and in disturbed state of mind and unaware about the legal requirements but the wife of the deceased who is also an eyewitness to the occurrence has categorically and specially stated about the involvement of the petitioners in connection of murder of her husband. It is then submitted that custodial interrogation of the petitioners is required during the investigation of the case, hence, the petitioners ought not to be given the privilege of anticipatory bail.

Considering the serious nature of allegation against the petitioners as well as the requirement of their custodial interrogation during the investigation of the case, this Court is of the considered view that this is not a fit case where the above named petitioners be given the privilege of anticipatory bail. Accordingly, the prayer for grant of privilege of anticipatory bail of the above named petitioners is rejected.

(Anil Kumar Choudhary, J.)

Sonu/Gunjan-