

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6325 of 2021

1. Mumtaj Miya @ Mumtaj Ansari	
2. Md. Sabbakarim Ansari @ Md. Saba Karima Ansari	
3. Majlum Miya @ Majlum Ansari	
...	Petitioners
Versus	
The State of Jharkhand	...
	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners	: Mr. Vijay Kr. Roy, Advocate
For the State	: Mr. P.D. Agrawal, Spl. P.P.

Order No.02 Dated- 08.09.2021

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 Dhanwar (Ghodthamba O.P.) P.S. Case No.284 of 2019 registered under sections 341/323/354/379/147/148/427/448 of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners along with the co-accused persons were the members of an unlawful assembly and being armed with deadly weapons caused hurt to the members of the informant party and outraged the modesty of the wife of the informant and also committed theft of gold chain, silver payal and Rs.1,000/-. It is further submitted that the allegations against the petitioner are all false. It is then submitted that for the selfsame occurrence from the side of the petitioners, the petitioner no.1 has lodged Dhanwar (Ghodthamba O.P.) P.S. Case No. 283 of 2019 and as a counter blast, this false case has been foisted against the petitioners. It is then submitted that there was a free fight between the parties and the parties are agnates. It is then submitted that there is land dispute between the parties. It is next

submitted that the petitioners are ready and willing to jointly pay Rs.20,000/- as ad interim victim compensation to the informant without prejudice to their defence in this case and undertake to cooperate with the investigation of the case and also undertake that they will not annoy or disturb the informant or his family members in any manner during the pendency of the case. Hence, it is submitted that the petitioners be given the privilege of anticipatory bail.

Learned Addl. 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 jointly depositing a demand draft of Rs.20,000/- as ad interim victim compensation drawn in favour of informant without prejudice to their defence in this case and 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 Judicial Magistrate, Giridih, in connection with Dhanwar (Ghodthamba O.P.) P.S. Case No.284 of 2019 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 number and a copy of their Aadhar Card in the court below with the undertaking that they will not change their mobile number during the pendency of the case with further condition that they will not annoy or disturb the informant or his family members in any manner during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioner deposits the ad interim victim compensation amount, the court below is directed to issue notice to the informant and hand over the said demand draft to him, after proper identification.

(Anil Kumar Choudhary, J.)