

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 6361 of 2021

1. Brahm Shanker Agarwal		
2. Mohd. Akram		
3. Santosh Kumar	...	Petitioners
Versus		
The State of Jharkhand & Anr.	...	Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	:	Mr. S.R. Soren, Advocate
For the State	:	Mr. Shekhar Sinha, 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 Kotwali P.S. Case No.110 of 2021 registered under sections 406/419/420/120B of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the informant supplied 23 trucks of materials of waste paper craft out of which one Javed took 21 trucks and delivered the materials of 18 trucks to Rama Shayama Paper Pvt. Ltd. and remaining 3 trucks to Chadda Paper Limited after removing the bill of the informant from the consignment. It is further submitted that the allegations against the petitioners are all false and the petitioners are the bona fide purchasers of the articles loaded in the 18 trucks after paying the amount of goods loaded thereon to Javed. It is next submitted that petitioners are the bona fide purchasers of waste paper craft and the petitioner no.1 bought 10 trucks of consignment, petitioner no.2 bought 5 trucks of consignment and petitioner no.3 bought three trucks of consignment

and all those 18 trucks, the said Javed showed the transportation receipt of Sanjida Transport Company of whose Javed himself is the owner. It is then submitted that the petitioners have transferred money in two accounts being account no.159401503954, IFSC - ICIC0001594, Bank-ICICI, Account holder name- Sanjida and the second account being account no.159401503987, IFSC -ICIC0001594, Bank-ICICI, Account holder name- Md. Khalid and only after paying for the concerned consignment, the petitioners sold the consignment to Rama Shyama Paper Pvt. Ltd. It is further submitted that the petitioners have no idea about the articles supplied by Javed were not properly acquired by Javed and the dispute between the parties is basically a civil dispute. 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 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., Ranchi, in connection with Kotwali P.S. Case No.110 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.)