

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.2681 of 2021

Krishna Kant Dubey @ Krishnkant Dubey

.... .. Petitioner

Versus

1. The State of Jharkhand

2. Jhalwa Kunwar

.... ..Opposite Parties

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Vijay Kant Dubey, Advocate

For the State : Mrs. Nehala Sharmin, Addl.P.P

Order No.02 Dated- 12.04.2021

Heard the parties through video conferencing.

Apprehending his arrest in connection with Ramkanda P.S. Case No. 52 of 2019 instituted under Sections 420, 406, 379, 504, 506, 34 of the Indian Penal Code, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the co-accused has sold the land in the share of the husband of the informant to the representative of the complainant. It is submitted that the allegation against the petitioner is false. Drawing attention off this Court to the judgment of Hon'ble Supreme Court in the case of **Mohammed Ibrahim and Others Vs. State of Bihar and Another** reported in **(2009) 8 SCC 751** wherein the Hon'ble Supreme Court has held in paragraph nos.21 and 22 as under:-

"21. It is not the case of the complainant that any of the accused tried to deceive him either by making a false or misleading representation or by any other action or omission, nor is it his case that they offered him any fraudulent or dishonest inducement to deliver any property or to consent to the retention thereof by any person or to intentionally induce him to do or omit to do consent to the retention thereof by any person or to intentionally induce him to do or omit to do anything which he would not do or omit if he were not so deceived. Nor did the complainant allege that the first appellant pretended to be the complainant while executing the sale deeds. Therefore, it cannot be said that the first accused by the act of executing sale deeds in favour of the second accused or the second accused by reason of being the purchaser, or the third, fourth and fifth accused, by reason of being the witness, scribe and stamp

vendor in regard to the sale deeds, deceived the complainant in any manner.

22. As the ingredients of cheating as stated in Section 415 are not found, it cannot be said that there was an offence punishable under Sections 417, 418, 419 or 420 of the Code”

It is submitted that there is no allegation against the petitioner of impersonating as somebody else and the dispute is between the parties is purely a civil dispute. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court of learned J.M. 1st Class, Garhwa within six weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Garhwa in connection with Ramkanda P.S. Case No. 52 of 2019 **with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his 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.

(Anil Kumar Choudhary, J.)