

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No.672 of 2020

Shashankar Bauri	...	Petitioner
Versus		
1. The State of Jharkhand		
2. Amar Bauri @ Kheru Bauri	...	Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Ashim Kr. Sahani, Advocate	
For the State	: Mr. Saket Kr., Adl.P.P.	
For the O.P. No.2	: Mr. Sunil Singh, Advocate	

Order No.07 Dated- 26.03.2021

Heard the parties through video conferencing.

This criminal miscellaneous petition has been filed by the petitioner with a prayer to cancel the bail granted to the opposite party No.2 by the trial court in connection with Chandankiyari P.S. Case No.79 of 2019 in terms of the order dated 11.10.2019 passed in A.B.A. No.6746 of 2019 by this court.

It is submitted by the learned counsel for the petitioner that vide order dated 11.10.2019 passed in A.B.A. No.6746 of 2019, the opposite party No.2 was given the privileges of anticipatory bail by this Court in connection with Chandankiyari P.S. Case No.79 of 2019. It is next submitted that the opposite party No.2 was given the privileges of anticipatory bail by this Court vide order dated 11.10.2019 passed in A.B.A. No.6746 of 2019 subject to the condition that he will not disturb or annoy the informant or any of his family members in any manner during the pendency of the case. It is then submitted that immediately after being released on bail, the opposite party No.2 along with his associates on 30.10.2019 at about 7-7:30 p.m. entered into the house of the petitioner and assaulted him, his family members namely Achint Bauri (Brother), Ujjwala Bauri (mother), Sunita Bauri (wife) causing injury on vital part of their bodies and as such, the petitioner has lodged another F.I.R. being Chandankiyari P.S. Case No.142 of 2019 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307 of the Indian Penal Code and the victims of the said occurrence were sent to hospital for treatment by police. It is next submitted that the opposite party No.2 has violated the said condition of bail imposed on him by this Court vide order dated 11.10.2019 passed in A.B.A. No.6746 of 2019. Hence, it is submitted that the bail

granted to the opposite party No.2 by the trial court in terms of the order dated 11.10.2019 passed in A.B.A. No.6746 of 2019 be cancelled.

Learned counsel for the opposite party No.2 opposes the prayer for cancellation of bail granted to the opposite party No.2 and he submits that there used to be earlier fight between the petitioner and opposite party No.2 due to land dispute between them and the opposite party No.2 is the neighbor of the petitioner and this case has been instituted only to harass the opposite party No.2 and his family members. It is next submitted that vide order dated 11.11.2020, in Chandankiyari P.S. Case No.142 of 2019, cognizance has been taken by the trial court against the opposite party No.2 and others for having committed the offences punishable 147, 148, 341, 323, 324 of the Indian Penal Code and the opposite party No.2 has been granted police bail in the said case. It is also submitted that this Court vide order dated 20.02.2020 passed in A.B.A. No.990 of 2020 granted privileges of anticipatory bail to the entire family members of the opposite party No.2 which was lodged vide Chandankiyari P.S. Case No.142 of 2019.

Having heard the submissions made at the Bar and after carefully going through the materials in the record, this Court is of the considered view that as charge-sheet has been submitted and cognizance has been taken against the opposite party No.2 in connection with Chandankiyari P.S. Case No.142 of 2019 and after he was granted the anticipatory bail in connection with Chandankiyari P.S. Case No.79 of 2019 by this court with the condition that he will not disturb or annoy the informant or any of his family members in any manner during the pendency of the case, hence, this Court is of the considered view that the materials in the record establish the fact that the opposite party No.2 has violated the conditions of bail imposed upon him in terms of the order dated 11.10.2019 passed in A.B.A. No.6746 of 2019 of not disturbing or annoying the informant or any of his family members in any manner during the pendency of the case. Accordingly, this Court is of the considered view that this is a fit case where bail granted to the opposite party No.2 in connection with Chandankiyari P.S. Case No.79 of 2019 be cancelled.

Accordingly, the bail granted to the opposite party No.2 by the trial court in connection with Chandankiyari P.S. Case No.79 of 2019 in terms of the order dated 11.10.2019 passed in A.B.A. No.6746 of 2019 is cancelled.

Learned trial court is directed to take all coercive steps for apprehension of the opposite party No.2 namely Amar Bauri @ Kheru Bauri to take him into custody for facing the trial.

This criminal miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Animesh/