

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 956 of 2021

Dinesh Verma

.....Petitioner

Vrs.

The State of Jharkhand

..... Opposite Party

.....

CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH

For the Petitioner : Mr. Prabash Chandra Sinha, Advocate

For the State : Md. Hatim, A.P.P.

For the Informant : Mr. Shyam Sundar Pd. Choudhary, Advocate

03 /26.03.2021 Surviving defects are ignored.

Heard learned counsel for the petitioner and learned A.P.P.

Petitioners seek protection of anticipatory bail in terms of Section 438 Cr.P.C. in connection with Bengabad P.S. Case No. 121 of 2020 for the offence registered under Section 341,323,325,354B, 379/34 of the I.P.C pending in the court of learned Judicial Magistrate, 1st Class, Giridih.

Learned counsel for the petitioners submits that general and omnibus allegations of assault upon the son of the Informant Awishkar Kumar Verma has been made against five persons including this petitioner. Allegation of trying to outrage the modesty of the informant is against other co-accused Daulat Prasad Verma. The said Daulat Prasad Verma has lodged a case prior to the instant F.I.R. i.e., Bengabad P.S. Case No. 120 of 2020 (Annexure-2). It is further submitted that even from the counter affidavit filed by learned A.P.P. it is evident that injuries on Chintamani Prasad Verma are simple in nature whereas the doctor has not given any opinion about some injury on the right arm since no x-ray was conducted as per his advice. Therefore, petitioner may be granted anticipatory bail to protect him from unnecessary arrest.

Learned A.P.P. has opposed the prayer and submits that one independent witness Suman Devi at para 21 of the case diary has stated that there is land dispute between the parties from several years and they used to quarrel with each other. Prior to that case, another case was lodged in the police station.

I have considered the submission of learned counsel for the parties and taken note of the aforesaid facts and circumstances. Having regard to the aforesaid fact and that prior to the instant case,

F.I.R was lodged by one of the co-accused Daulat Prasad Verma against the husband of the present informant and others, I am inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, petitioner, above named, in the event of his surrender or arrest within in a period of 4 weeks, shall be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Giridih in connection with Bengabad P.S. Case No. 121 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Petitioners shall co-operate with the investigation of the case and that he and his bailors will not change their mobile number and address without prior permission of the learned Trial Court during the pendency of the case.

(Aparesh Kumar Singh, J.)