

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No.1546 of 2021

1. Kaushal Kumar Singh @ Kaushal Kishore Singh @ Kaushal Kishor Singh
2. Shashi Singh @ Shashikant Singh @ Shashi Kant Singh
3. Rahul Kumar Singh
4. Kamran @ Md. Kamran Akhtar
5. Prakash Pandit @ Prakash Kr. Pandit @ Prakash Kumar Pandit
6. Nimaichand Rawani @ Nimai Chandra Rawani
7. Motilal Rawani @ Motilal Rawani @ Moti Lal Rawani
8. Pappu Singh @ Arun Ranjan @ Arun Rajan

.... Petitioners

Versus

The State of JharkhandOpposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. R. S. Mazumdar, Sr. Advocate
For the State : Mr. Manoj Kr. Mishra, Addl.P.P

Order No.02 Dated- 05.04.2021

Heard the parties through video conferencing.

Apprehending their arrest in connection with Baliapur P.S. Case No.44 of 2020 corresponding to G.R. No.856 of 2020 instituted under Sections 147, 148, 149, 323, 307, 379, 384, 427 of the Indian Penal Code and Section 27 of the Arms Act, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned senior counsel for the petitioners submits that the allegation against the petitioners is that the petitioners, being armed with deadly weapons and being members of an unlawful assembly, entered the factory premises, snatched Rs.3,00,000/-, one gold chain and a Titan Wrist Watch from the informant and attempted to murder the informant, Mangru Mahto, Patel Mahto and Jagdish Rajak causing injuries on their head and damaged the SUV vehicle of the company. It is submitted that the allegation against the petitioners is false and general and omnibus in nature. It is next submitted that for the self-same occurrence, from the side of the petitioners, Baliapur P.S. Case No.45 of 2020 has also been registered. It is also submitted that the occurrence took place because of land dispute between the parties. It is further submitted that the petitioner No.1 is running a partnership firm with one Mithilesh Kumar Singh at whose

behest, this false case has been foisted against the petitioners as the said Mithilesh Kumar Singh and the informant have misappropriated money. It is then submitted that the petitioners undertake that they will not disturb or annoy the informant or any of his family members in any manner during the pendency of the case. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to jointly pay ad interim victim compensation of Rs.60,000/- without prejudice to their defence in this case in favour of the informant. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

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

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned J.M.- 1st Class, Dhanbad within six weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail on jointly depositing a demand draft of Rs.60,000/- as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the informant and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.- 1st Class, Dhanbad in connection with Baliapur P.S. Case No.44 of 2020 corresponding to G.R. No.856 of 2020 **with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile number during the pendency of the case and they will not disturb or annoy the informant or any of his family members in any manner during the pendency of the case** and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioners deposit the said demand draft, the court below is directed to issue notice to the informant and on his proper identification, the court below shall handover the same to him forthwith.

(Anil Kumar Choudhary, J.)