

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 1587 of 2021

1. Nirmal Yadav
2. Pappu Yadav @ Anandi Yadav
3. Ganesh Yadav
4. Amir Yadav
5. Banwari Yadav
6. Darbari Yadav @ Darwari Yadav
7. Chando Yadav @ Ramchandra Yadav @ Ram Chandra Yadav
8. Rohan Yadav @ Raghunandan Yadav
9. Ajay Yadav ... Petitioners

Versus

The State of Jharkhand ... Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : M/s R.S. Mazumdar, Sr. Adv
Rohan Mazumdar, Adv.
For the State : Mr. Pradeep Kr. Verma ,Addl. P.P.

02 / 25.03.2021

Heard the parties through Video Conferencing.

Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Simariya P.S. Case No. 105 of 2020 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 506 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that they were members of an unlawful assembly and being armed with deadly weapons in prosecution of the common object of the said assembly, attempted to murder seven victims namely Jhari Yadav, Sewa Yadav, Jagdhari Yadav, Kamdev Yadav, Sanjay Yadav, Dhanusdhari Yadav and Keshav Yadav. It is then submitted that the allegations against the petitioners are all false and those allegations are general and omnibus in nature. It is further submitted by the learned counsel for the petitioners that for the selfsame occurrence, from the side of the petitioners, petitioner no. 1 first lodged Simariya P.S. case no. 104 of 2020 and as a counterblast, this false case has been foisted against the petitioners. It is next submitted that the petitioners are ready to co-operate with the investigation of the case and also undertakes to pay a total sum of Rs. 40,000/- jointly by way of seven drafts, out of which, demand draft of

Rs. 10,000/- drawn in favour of Jhari Yadav and rest six demand draft of Rs. 5,000/- each drawn in favour of each of the six victims namely Sewa Yadav, Jagdhari Yadav, Kamdev Yadav, Sanjay Yadav, Dhanusdhari Yadav and Keshav Yadav as ad interim victim compensation without prejudice to their defence and they undertake not to annoy or disturb the victims in any manner during pendency of the case hence, the petitioners be given the privilege of anticipatory bail.

The learned Addl. PP opposes the prayer for anticipatory bail of the petitioner.

Considering aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioners. Hence, in the event of arrest by the police or surrender within a period of six weeks from the date of this order, the petitioners shall be released on bail on depositing a total sum of Rs. 40,000/- jointly by way of seven drafts, out of which, demand draft of Rs. 10,000/- drawn in favour of Jhari Yadav and rest six demand draft of Rs. 5,000/- each drawn in favour of each of the six victims namely Sewa Yadav, Jagdhari Yadav, Kamdev Yadav, Sanjay Yadav, Dhanusdhari Yadav and Keshav Yadav and 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 ACJM, Chatra in connection with Simariya P.S. Case No. 105 of 2020 subject to the condition that the petitioners will not annoy or disturb the victims in any manner during pendency of the case and will co-operate with the Investigation of the case and will appear before the Investigating Officer as and when noticed by him and will submit mobile number and photocopy of *Aadhaar* card at the time of surrender in the court below with an undertaking not to change mobile number during the pendency of the case along with the other conditions laid down under section 438 (2) Cr. P.C.

In case of depositing aforesaid demand draft by the petitioners, learned court below is directed to issue notice to the victims and release the demand draft in their favour on proper identification forthwith.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-