

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.1067 of 2021

1. Shyam Thakur		
2. Md. Sajjad Akhtar	...	Petitioners
Versus		
The State of Jharkhand	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners	:	Mr. Anil Kr. Sinha, Advocate
For the State	:	Mrs. Niki Sinha, Addl. P.P.

Order No.02 Dated- 05.04.2021

Heard the parties through video conferencing.

Learned counsel for the petitioners personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioners, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Ratu P.S. Case No.212 of 2020 registered under sections 420/447/427/34 of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners along with co-accused Anil Kumar Singh were trying to grab the government land and in furtherance of the same, they were leveling and trenching the said land with the help of JCB machine. It is further submitted that the allegations against the petitioners are all false and the land in question was originally recorded in the name of Syed Mohiuddin Ahmed @ Bannu Babu and after his death, his son applied for mutation and mutation slip was accordingly issued to him and since the rent was not been accepted, a writ application was preferred by Syed Mohiuddin Ahmed @ Bannu Babu, being W.P.(C) No.1504 of 2008 in which a direction was passed by a coordinate Bench of this Court to accept the rent from him. It is

then submitted that subsequently, an agreement was entered into between the Syed Sahab Ahmad and petitioner no.1 by which the petitioner no.1 agreed to purchase the aforesaid land on consideration amount of Rs.63,000/- per decimal and for which Rs.15,00,000/- was already advanced to Syed Sahab Ahmad and also an agreement was entered into between petitioner no.1 with respect to constructing a residential building for commercial purposes and the profit was to be divided between both of them in equal proportion. It is then submitted that the dispute between the parties is a civil dispute. It is lastly submitted that the co-accused person has already been given the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 24.02.2021 in A.B.A. No.195 of 2021. Hence, it is submitted that the petitioners be given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioners be given the privilege of anticipatory bail. Hence, in the event of their arrest or surrender within a period of six weeks from the date of this order, they shall be released on bail 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 J.M. 1st Class, Ranchi, in connection with Ratu P.S. Case No.212 of 2020 with the condition that the petitioners will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish their mobile numbers and a copy of their Aadhar Cards in the court below with the undertaking that they will not change their mobile numbers during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

(Anil Kumar Choudhary, J.)