

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**A.B.A. No. 1173 of 2021**

Pawan Kumar Singh @ Pawan Kumar .....Petitioner

Vrs.

The State of Jharkhand ..... Opposite Party

.....

**CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH**

For the Petitioner : Mr. Rajiv Nandan Prasad, Advocate

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

02 /26.03.2021 Learned counsel for the petitioner submits that defect no. 9(ii) relating to typed copy of page 18,20 may be ignored as they are format of institution of motor accident case, form part of the F.I.R. Similarly defect no. 9(i) related to proper placing of page no. 23, which may be ignored.

Both defects are accordingly 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 Itkhori P.S. Case No. 167 of 2020 for the offence registered under Section 279, 186, 332, 333, 307, 353, 34 of the I.P.C pending in the court of learned Additional Chief Judicial Magistrate, Chatra.

Learned counsel for the petitioners submits as per the allegation made by the informant, a probationary Sub Inspector of Itkhori Police Station, during course of checking vehicles at Chatra Chouparan Road, two persons in motorcycle without helmet and mask were asked to stop. However, instead of stopping the motor cycle was dashed against one ASI causing grievous injury on right hand and head and fracture of his left leg. Name of the petitioner has been disclosed by the apprehended accused Gaurav Kumar Singh. It is alleged that petitioner who was driving the bike managed to flee away. Learned counsel for the petitioner further submits that offence under Section 307 of the I.P.C is not made out since injuries are simple in nature and the injured was discharged from Primary Health Centre Itkhori after treatment. Further petitioner is a student and has no criminal antecedent. Therefore, he may be granted the privilege of anticipatory bail.

Learned A.P.P. has opposed the prayer.

I have considered the submission of learned counsel for the parties and taken note of the aforesaid facts and circumstances. It appears that name of the petitioner was disclosed by the co-accused. Having regard to the aforesaid circumstances, 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 Additional Chief Judicial Magistrate, Chatra in connection with Itkhor P.S. Case No. 167 of 2020, subject to the condition and that one of the bailor must be a government servant and other 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.)**