

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.1265 of 2021

1. Kunjal Yadav @ Kunjal Prasad Yadav
2. Dilip Yadav @ Dilip Kumar Yadav
3. Sukar Yadav @ Sukar Mahto
4. Sumanti Devi
5. Devki Devi

... Petitioners

Versus

1. The State of Jharkhand
2. Bishnu Yadav

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Ankit Kumar, Advocate
For the State : Mr. Saket Kumar, Addl. P.P.
For O.P. No.2 : Mr. Niranjana Kumar, Advocate

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 Mohanpur P.S. Case No.93 of 2020 registered under sections 147/148/149/323/324/307/504/506 of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners along with the co-accused persons were member of an unlawful assembly and being armed with deadly weapons attempted to murder Dineshwar Yadav, Lalmohan Yadav, Birendra Yadav and Bishnu Yadav. It is further submitted that the allegations against the petitioners are all false and for the selfsame occurrence, from the side of the petitioners, first Mohanpur P.S. Case No.92 of 2020 was lodged by the husband of the petitioner no.4 and as a counter blast,

this false case has been foisted. It is also submitted that there was free fight between the parties and the informant party was the aggressor party. It is then submitted that the petitioners are ready and willing to jointly pay Rs. 60,000/- as ad interim victim compensation to the informant without prejudice to their defence in this case and undertake to cooperate with the investigation of the case and also undertake that they will not annoy or disturb the informant, the victims and the family member of the informant in any manner during the pendency of the case. 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 jointly depositing a demand draft of Rs. 60,000/- as ad interim victim compensation in favour of informant 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 S.D.J.M., Deoghar, in connection with Mohanpur P.S. Case No.93 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 with further condition that they will not annoy or disturb the informant, the victims and the family member of the informant in any manner during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioners deposit the ad interim victim compensation amount, the court below is directed to issue notice

to the informant and hand over the said demand draft to him, after proper identification.

(Anil Kumar Choudhary, J.)

Sonu/Gunjan-