
(2019) 07 JH CK 0198

In the Jharkhand High Court

Case No : Anticipatory Bail Application No. 4357 Of 2019

Anil Roy @ Anil Kumar Roy And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 379, 427, 447, 506
Code Of Criminal Procedure, 1973 — Section 144, 438(2)

Citation : (2019) 07 JH CK 0198

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Sanjay Kr. Pandey, Sudhir Kr. Mahto

Judgement

Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Katkamdag P.S. Case No.48 of 2018 (G.R. No. 1303 of 2018) registered under sections 447/427/379/506/34 of the Indian Penal Code.

Heard the learned counsel for the petitioners and learned Addl. P.P. for the State.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that they being variously armed came to the portion of the house constructed by the informant and demolished some parts of the same by engaging labourers and assaulted the informant and his daughter-in-law and took away various household articles. It is further submitted that the allegation against the petitioners are false. It is then submitted that the petitioners are the agnates of the informant and there is land dispute between the parties and the alleged place of occurrence land has been allotted to the share of the petitioners. It is then submitted that a proceeding under section 144 Cr.P.C. has been dropped in favour of the petitioners and in this respect the learned counsel for the petitioners draws the attention of this Court to page no. 26-27 of the brief. Further drawing attention of this Court to page no. 29 of the brief which is the report of the Circle Officer to the Deputy Commissioner, Hazaribagh, the learned

counsel for the petitioners submits that in the said report, it has categorically been mentioned that the petitioners demolished the old house standing over the said land which was allotted to their share. It is next submitted that the petitioners are ready and willing to jointly pay ad interim victim compensation of Rs.5,000/-to the informant without prejudice to their defence in this case and undertake to cooperate with the investigation 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 four weeks from the date of this order, they shall be released on bail on jointly depositing a demand draft of Rs.5,000/- as ad interim victim compensation in favour of informant-Ajeet Kumar Roy 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., Hazaribagh, in connection with Katkamdag P.S. Case No.48 of 2018 (G.R. No. 1303 of 2018) 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.

In case, the petitioners deposits the ad interim victim compensation amount, the court below is directed to issue notice to the informant-Ajeet Kumar Roy and hand over the said demand draft to him, after proper identification.