
(2019) 12 JH CK 0117
In the Jharkhand High Court
Case No : Anticipatory Bail No. 8011 Of 2019

Dara Yadav @ Uttam Kumar Yadav And Ors	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 09-12-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 147, 148, 149, 307, 323, 324, 325, 341, 342, 379, 385, 423, 504
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2019) 12 JH CK 0117

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Ankit Kumar

Judgement

Heard the parties.

Apprehending their arrest, the petitioner have moved this Court for grant of privilege of anticipatory bail in connection with Sahibganj (M) P.S. case

no. 69 of 2017 (G.R. No. 395 of 2017) registered under Sections 341, 342, 323, 324, 325, 307, 379, 385, 504, 34 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners have attempted to murder

Sandeep Yadav, Mohan Yadav, Balraj Yadav and Guddu Yadav. It is submitted that the allegation against the petitioners is false. It is then submitted

that there was a free-fight between the parties and the informant was the aggressor party. It is further submitted that for the self-same occurrence,

from the side of the petitioners, the co-accused, Mithu Yadav had first instituted Sahibganj (M) P.S. Case No.68 of 2017 and after a delay of four

days, the present F.I.R. has been lodged. It is then submitted that the co-

accused Balram Yadav has sustained grievous injuries in the occurrence. It is also submitted that the police after due investigation did not send up the petitioners and submitted charge-sheet for having committed the offence punishable under Section 147, 148, 149, 341, 342, 323, 504 and 34 of the Indian Penal Code against the co-accused persons but the learned Magistrate has taken cognizance for the offence punishable under sections 147, 148, 149, 341, 342, 423, 307, 504 and 34 of the Indian Penal Code against the petitioners as well in this case. Learned counsel appearing for the petitioners further submits that the petitioners have no criminal antecedent except the present case as has been mentioned in para-11 of the instant anticipatory bail application. It is also submitted that in the case diary, the medical report issued by the Medical Officer, Sadar Hospital, Sahibganj has been annexed wherein it has been mentioned that all the four victims have sustained simple injuries. It is further submitted that co-accused persons, with similar allegations, have already been given the privileges of anticipatory bail by this Court vide order dated 13.08.2019 passed in A.B.A. No.5406 of 2019. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to jointly pay ad interim victim compensation of Rs.30,000/- without prejudice to their defence in this case in favour of the informant namely-Pushpa Devi, hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

The learned Addl. PP opposes the prayer for anticipatory bail of the petitioners. 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 four weeks from the date of this order, the petitioners shall be released on bail on jointly depositing Rs. 30,000/- by way of demand draft drawn in favour of informant as ad interim victim compensation and 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 CJM, Sahibganj in connection with Sahibganj P.S. case no. 69 of 2017 (G.R. No. 395 of 2017) subject to the condition that the petitioners 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 informant and release the demand draft in her favour on proper identification forthwith.