

(2024) 05 JH CK 0034

In the Jharkhand High Court

Case No : A.B.A. No. 1502 Of 2024

Dinesh Kumar @ Dinesh Rawani @ Dinesh Kumar Rawani And
Others

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 06-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 147, 148, 149, 307, 323, 326, 341, 504
Arms Act, 1959 — Section 25(1B)a, 26, 27(2), 35

Citation : (2024) 05 JH CK 0034

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : A.K. Kashyap, Pankaj Kumar

Final Decision : Dismissed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing on behalf of the respondent State.

2. The petitioners are apprehending their arrest in connection with Kenduadih P.S. Case No.132 of 2022, corresponding to G.R.Case No.96 of 2023, registered for the offence under sections 147, 148, 149, 341, 323, 307, 120B, 504, 326 of the IPC and sections 25(1-B)a, 26, 27(2), 35 of the Arms Act, pending in the court of learned Judicial Magistrate First Class, Dhanbad.

3. Mr. A.K. Kashyap, the learned Senior counsel appearing for the petitioners submits that the petitioners are innocent and bald allegation is made out against the petitioners. He submits that the petitioners have not committed any overt act and due to that no injury has been received by the informant and another victim. According to him, the petitioners have been falsely implicated in the case and there is compromise between the informant and the petitioners and on these grounds, he submits that privilege of anticipatory bail may kindly be provided to

the petitioners.

4. Learned State counsel opposed the prayer on the ground that compromise cannot be a criteria for anticipatory bail in a case where the allegations are there of threatening and killing on the instruction of a political man namely, Dhullu Mahto.

5. Looking to the contents of the F.I.R, it transpires that there is direct allegation against all the accused persons of planning to kill Ram Rahim and firing was also made and in pursuant to that one Mukesh Turi has received the injury. This is a crime against the society and compromise cannot be a criteria for anticipatory bail in such allegation.

6. In the attending facts and circumstances, I am not inclined to grant privilege of anticipatory bail to the petitioners, and hence, the prayer for anticipatory bail of the petitioners, is, hereby, rejected. Accordingly, this anticipatory bail application is hereby dismissed.