

(2021) 04 JH CK 0157
In the Jharkhand High Court
Case No : A.B.A. No. 1433 of 2021

Ghulam Ghaus @ Ghulam Gaus

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 13-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 325, 504, 506
Arms Act, 1959 — Section 27
Explosive Substances Act, 1883 — Section 3, 4
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 04 JH CK 0157

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Lukesh Kr., V. N. Jha

Judgement

Heard the parties through video conferencing.

Learned counsel for the petitioner undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest in connection with Jharia (Boragarh) P.S. Case No.32 of 2019 instituted under Sections 147/148/149/323/325/504/506/307 of

the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Explosive Substance Act, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner along with co-accused persons

attempted to murder the informant, caused injuries to him and also exploded bombs and fired in the air. It is submitted that the allegation against the

petitioner is false. It is then submitted that for the self-same occurrence, from the side of the petitioner, Jharia P.S. Case No.33 of 2019 has been

lodged. It is then submitted that the petitioner undertakes not to disturb or annoy the informant or any person associated with R. K. Transport, Enna

Project in any manner during the pendency of the case. It is also submitted that the co-accused, with similar allegations, have already been given the

privileges of anticipatory bail by this Court vide orders dated 01.08.2019 and 03.03.2020 passed in A.B.A. Nos.5176 of 2019 and 1288 of 2020

respectively. It is lastly submitted that the petitioner is ready and willing to co-operate with the investigation of the case and undertakes to pay ad

interim victim compensation of Rs.10,000/- without prejudice to his defence in this case in favour of the informant namely- Manoj Kumar Ram.

Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to

the petitioner. Accordingly, the petitioner is directed to surrender in the Court of learned A.C.J.M., Dhanbad within six weeks from today and in the

event of his arrest or surrendering, he will be enlarged on bail on depositing a demand draft of Rs.10,000/- as ad interim victim compensation without

prejudice to his defence in this case drawn in favour of the informant namely- Manoj Kumar Ram and on furnishing bail bond of Rs.25,000/- (Twenty

five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Dhanbad in connection with Jharia (Boragarh) P.S.

Case No.32 of 2019 with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and

when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number

during the pendency of the case and he will not disturb or annoy the informant or any person associated with R. K. Transport, Enna Project in any

manner during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioner deposits the said demand draft, the court below is directed to issue notice to the informant namely- Manoj Kumar Ram and on his proper identification, the court below shall handover the same to him forthwith.