

(2020) 11 JH CK 0111
In the Jharkhand High Court
Case No : A.B.A. No. 5544 Of 2020

Kolha Ram @ Kolha Bhuiyan And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 09-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 153A, 295A, 323, 341, 353, 504
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 11 JH CK 0111

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Nawin Kr. Singh

Judgement

Heard the parties through Video Conferencing.

Learned counsel for the petitioners personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by 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 Katkamdag P.S. case no.

24 of 2019 registered under Sections 147, 148, 149, 341, 323, 353, 504, 295A 153A of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners were trying to disturb the communal

harmony of a class of citizens of India by uttering words against their religious feeling and used criminal force against the public servants by deterring

them from discharging their duties. It is next submitted by the learned counsel for the petitioners that the allegations against the petitioners are false

and they have no criminal antecedent as has been mentioned in paragraph no.15 of the anticipatory bail application. It is then submitted that the

petitioners have falsely been implicated in this case only because they are the residents of the locality. It is next submitted that the petitioners are

ready and willing to furnish sufficient security including cash security and undertake to cooperate with the investigation of the case and co-accused

with similar allegations have already been granted privilege of anticipatory bail by this court vide order dated 22.08.2019 passed in ABA no. 5027 of

2019 and order dated 20.12.19 passed in ABA No. 8775 of 2019, 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 depositing cash security of Rs.5,000/- each 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.24 of 2019 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.