

(2021) 03 JH CK 0054
In the Jharkhand High Court
Case No : A.B.A. No. 371 of 2021

Kollage Sah @ Kaleswar Kumar Saha And Ors

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 03-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 03 JH CK 0054

Hon'ble Judges : Rongon Mukhopadhyay, J

Bench : Single Bench

Advocate : Din Dayal Saha, Rajendra Ram Ravi Das

Final Decision : Allowed

Judgement

Heard the parties.

Defects, as pointed out by the office, are ignored. The petitioners apprehend their arrest in connection with Hiranpur P.S. Case No. 75 of 2020.

It has been alleged that when the informant had gone to urinate in the evening, he was surrounded by the accused persons who had assaulted him.

It has been stated by the learned counsel for the petitioners that there has been a delay of three days in institution of the FIR. Learned counsel submits

that the date of occurrence is 27.10.2020 but the injury report reveals that the informant was examined one day prior to the incident i.e. on 26.10.2020.

It has also been stated that the allegations are general and omnibus in nature.

Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners. It thus appears that there has been a delay of three days in institution of

the FIR which has not been explained by the informant and the said fact coupled with the injury report dated 26.10.2020, there appears to be some

doubt with respect to the prosecution case itself.

On consideration of the aforesaid facts, I am inclined to extend the privilege of anticipatory bail to the petitioners.

The petitioners, named above, are accordingly directed to surrender in the court below within a period of four weeks from today and on their

surrender/arrest, they will be enlarged on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand only) each with two sureties of the like amount

each to the satisfaction of learned Judicial Magistrate, 1st class, Pakur in connection with Hiranpur P.S. Case No. 75 of 2020, subject to the conditions

as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.