
(2022) 05 JH CK 0030
In the Jharkhand High Court
Case No : A.B.A. No. 3982 Of 2022

Kundan Jha & Anr

APPELLANT

Vs

State Of Jharkhand & Anr

RESPONDENT

Date of Decision : 23-05-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 354, 452
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2022) 05 JH CK 0030

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : S.P. Roy, Vineet Kumar Vashistha

Final Decision : Allowed

Judgement

Kailash Prasad Deo, J

Heard, learned counsel for the petitioners, Mr. S.P. Roy and learned counsel for the State, Mr. Vineet Kumar Vashistha, APP.

Learned counsel for the petitioners has submitted that petitioners are apprehending their arrest in connection with Complaint Case P.S. Case No.104 of 2022, for the offence registered under Sections 323/341/452/354/34 IPC.

Learned counsel for the petitioners has submitted that it is alleged that the genealogical table is false given by the petitioners, as such, criminal case has been instituted, though it is civil dispute between the parties criminal case has been instituted.

Learned counsel for the petitioners has further submitted that order of the court of Sub-Divisional Officer, Godda in RER Case No.1 of 2022-23 shows that complainant has given a wrong genealogical table and both the parties are agnates.

Learned counsel for the State, Mr. Vineet Kumar Vashistha, APP has opposed the

prayer for bail and has submitted that petitioner has committed forgery in the document, as such, petitioners may not be enlarged on bail.

Considering the rival submission of the parties and looking into Annexure-2 whereby both parties are agnates and it appears to be civil dispute, accordingly, petitioners (Kundan Jha and Neelesh @ Nilesh Kumar) are directed to surrender before the court below within four weeks from the date of this order and in the event of their arrest or surrender, the court below shall enlarge the above named petitioners on bail on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Godda in connection with Complaint Case P.S. Case No.104 of 2022 subject to the conditions, as laid down under Section 438(2) Cr.P.C and also on the following conditions:-

(i) One of the bailors shall be deponent/pairvikar of the present case namely, Gopal Krishna Thakur, S/o Lakh Narayan Thakur, R/o Rajkachari Pokhar Se Purav Shitla Nagar Shivpur, Godda, who has furnished photocopy of his UID Card before this Court in the bail application.

Office is directed to send photo copy of the UID Card of deponent along with this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be father/mother/son/sister/brother/wife. Accordingly, the instant anticipatory bail application is hereby allowed.