

(2020) 11 JH CK 0162
In the Jharkhand High Court
Case No : A.B.A. No. 5503 Of 2020

Mithun Kol @ Mahangi Kol And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 04-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 323, 341, 379, 385
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 11 JH CK 0162

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Lalit Yadav, V.K. Vashistha

Final Decision : Allowed

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioners personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the 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 Kunda P.S. Case No.131

of 2019 registered under sections 341/323/379/307/385/34 of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners in furtherance of their common

intention with the co-accused persons attempted to murder the son of the informant and took away Rs.6000/- and his wrist watch. It is further

submitted that the allegations against the petitioners are all false. It is then submitted that the petitioners are ready and willing to jointly pay Rs.

10,000/- as ad interim victim compensation to the informant without prejudice to their defence in this case and undertake to cooperate with the

investigation of the case and also undertake that they will not annoy or disturb the informant in any manner during the pendency of the case. 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 eight weeks from the date of this order,

they shall be released on bail on jointly depositing a demand draft of Rs. 10,000/- as ad interim victim compensation in favour of informant 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

J.M., Deoghar, in connection with Kunda P.S. Case No.131 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 with further condition that they

will not annoy or disturb the informant in any manner pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioners deposit the ad interim victim compensation amount, the court below is directed to issue notice to the informant and hand over

the said demand draft to her, after proper identification.