

(2017) 08 JH CK 0033
In the Jharkhand High Court
Case No : 5045 of 2017

Nepal Ram Prajapati

APPELLANT

Vs

The State of Jharkhand & Ors.

RESPONDENT

Date of Decision : 30-08-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 438\(2\)](#) - Direction for grant of bail to person apprehending arrest
[Indian Penal Code, 1860](#), [Section 34](#), [Section 323](#)

Citation : (2017) 08 JH CK 0033

Hon'ble Judges : Anil Kumar Choudhary

Bench : SINGLE BENCH

Advocate : Sanjay Prasad

Final Decision : Disposed

Judgement

1. Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Dhansar P.S. Case No. 98 of 2017 (G.R. No. 1784 of 2017) registered under Sections 341, 323, 436, 427, 448, 34 of the Indian Penal Code .

2. Heard the parties.

3. Learned counsel for the petitioners submits that the allegation against the petitioners is that they along with the co-accused persons have entered into the house of the informant and assaulted her and also set her Khatal(Cow shed) on fire. It is submitted that the petitioners are innocent. It is further submitted that there is a series of litigations between the parties. It is also submitted that earlier petitioner no. 1 had filed a case bearing Dhansar P.S. Case No. 97 of 2017 against the informant's father and others and in order to wreck vengeance this false case has been foisted against the petitioners. However, the petitioners are ready and willing to pay Rs. 3,000/- each as ad interim victim compensation to victim-informant, without prejudice to their defence in the case. Hence, the

petitioners be given the privilege of anticipatory bail.

4. Learned Addl. P.P. opposes the prayer for anticipatory bail. Considering the submissions of the counsel and the fact as discussed above, I am of the opinion that this is a fit case where the petitioners, named above, be admitted to 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 furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Dhanbad, in connection with Dhansar P.S. Case No. 98 of 2017 (G.R. No. 1784 of 2017), and depositing of Rs.3,000/- each as ad interim victim compensation to be paid to victim-informant, subject to the conditions laid down under section 438 (2) Cr. P.C.

5. In case, the petitioners deposit the ad interim victim compensation amount in the court, it is directed that notice be issued to victim-informant and the said amount be released in her favour forthwith, after proper identification.