
(2020) 09 JH CK 0019

In the Jharkhand High Court

Case No : Criminal Appeal (S.J.) No. 1070 Of 2019

Niraj Burma @ Niraj Verma And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 02-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 147 148, 149, 307, 323

Arms Act, 1959 — Section 27

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(x)(xi)(xii)

Citation : (2020) 09 JH CK 0019

Hon'ble Judges : Amitav K. Gupta, J

Bench : Single Bench

Advocate : Shialesh Kumar Singh, Abhay Kumar Tiwari, Ashish Kumar

Final Decision : Allowed

Judgement

1. This appeal has been preferred against the order dated 05.08.2019 passed by A.S.J.-VII-cum-Spl. Judge, SC/ST, Dhanbad whereby the anticipatory bail of the appellants has been rejected.

2. Learned counsel for the appellants has submitted that both the parties have amicably settled the matter and as per allegation made in the FIR no offence under the provision of SC/ST (Prevention of Atrocities) Act, is made out against the appellants. On completion of investigation the police did not submit charge-sheet for the offence under SC/St Act.

3. Learned counsel for the respondent No.2- the informant, has not controverted the same and consented that on intervention of friends and well-wishers both the parties have amicably settled the matter.

4. Heard. As per F.I.R. the dispute had arisen due to engagement of labourers at loading site of Tetulmari Coal Dump. Cases were lodged by both the parties. As per the submission of the counsels now both the parties have amicably settled

the matter.

FIR i.e. Tetulmari P.S. Case No. 44 of 2019 (SC/ST Case No. 51 of 2019) was registered under Sections 147/148/149/323/307/34 IPC and 3(x)(xi)(xii) of SC/ST (P.O.A.) Act & Section 27 Arms Act. As per allegation in the F.I.R no firearm injury was sustained by any person. The nature of injury of the informant does not constitute the offence under Section 307 of Indian Penal Code.

Considering the fact that both the parties have amicably settled the matter and have entered into compromise as per Annexur-3, accordingly the appellants are directed to be enlarged on bail, in the event of their arrest or surrender on their furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned A.S.J.-VII- cum-Spl. Judge, SC/ST, Dhanbad, in connection with Tetulmari P.S. Case No. 44 of 2019 (SC/ST Case No. 51 of 2019).

5. With the said direction the appeal is, hereby, allowed.