

(2020) 09 JH CK 0017

In the Jharkhand High Court

Case No : Criminal Appeal (S.J.) No. 1179 Of 2019

Prakash 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 0017

Hon'ble Judges : Amitav K. Gupta, J

Bench : Single Bench

Advocate : Deepak Kumar, V.S. Sahay

Final Decision : Allowed

Judgement

1. Office to delete the name of Mr. Ram Prakash Singh and mention the name of Mr. V.S. Sahay, as counsel for the State, in the cause list.

2. 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.

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.

F.I.R. 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 of 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 or any injury was sustained by the informant or any other person, hence there is no material on record to 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 Annexure-3, accordingly the appellants are directed to be enlarged on bail, in the event of his arrest or surrender on his 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.