
(2021) 01 JH CK 0083
In the Jharkhand High Court
Case No : A.B.A. No. 4144 Of 2020

Qadar Khan @ Sarfaraj Khna And Ors	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 08-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 01 JH CK 0083

Hon'ble Judges : Rongon Mukhopadhyay, J

Bench : Single Bench

Advocate : Abhay Kr. Chaturvedy

Final Decision : Disposed Of

Judgement

Heard the parties.

Defects, as pointed out by the office, are ignored. The petitioners apprehend their arrest in connection with Pandwa P.S. Case No. 40 of 2020.

It has been alleged that the petitioners had abused the informant when he was harvesting his land and the petitioner no. 1 had also assaulted him. The

informant later on came to his house and informed his brother. It has been alleged that subsequently, however, the accused persons variously armed

had come and assaulted the informant and various inmates of the house including his grandfather.

Submission has been advanced that there was a free fight between the parties for which a case was also lodged against the informant party by the

petitioner no. 10 which was registered as Padwa P.S. Case No. 41 of 2020. It has further been stated that apart from the informant of the said case

some of the other persons had also sustained injuries. Learned counsel submits that the allegations are general and vague in nature.

Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners and has stated that the petitioner no. 9 has got criminal antecedents. She

has further stated that barring the petitioner no. 1, 3 and 5 the other petitioners also have criminal antecedents but the same were instituted after

institution of the present case.

It thus appears that allegations are general and omnibus in nature so far as the petitioners are concerned.

However, considering the fact that the petitioner no. 9 has a criminal antecedent as a case was instituted prior to the institution of the present case,

therefore, I am not inclined to extend the privilege of anticipatory bail to the petitioner no. 9. Accordingly, the prayer for bail of the petitioner no. 9 is

hereby rejected.

So far as the petitioner nos. 1 to 8 & 10 are concerned, in view of the generality of allegations levelled against them and at the at the time of the

institution of the present case none of these petitioners had any criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the

petitioner nos. 1 to 8 & 10. Accordingly, the petitioner nos. 1 to 8 & 10, above named, are directed to surrender before the court below within a period

of four weeks from today and in that event, they shall be enlarged on bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand only) each with two

sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Palamau at Daltonganj, in connection with Pandwa P.S. Case

No. 40 of 2020, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

This application stands disposed of.