

(2020) 11 JH CK 0105
In the Jharkhand High Court
Case No : A.B.A. No. 5708 Of 2020

Rama Saw And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 10-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 307, 323, 324, 325, 506
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 11 JH CK 0105

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : A.K. Sahani, Rajneesh Vardhan

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 Bengabad P.S. Case

No.569 of 2019 registered under sections 147/ 341/323/324/307/325/506 of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners were members of an unlawful assembly

and in prosecution of common object of the assembly; they attempted to murder the informant Parwatiya Devi and Anita Devi by assaulting them. It is

further submitted that the allegations against the petitioners are all false and

there is no specific allegation of assault upon the petitioner nos. 1, 2 and 4 to 7. It is then submitted that the petitioners and the informant party are the agnates and there is land dispute between the parties. It is next submitted that the petitioners are ready and willing to jointly pay Rs.30,000/- as ad interim victim compensation to the informant without prejudice to their defence in this case; subject to final decision of the case and undertake to cooperate with the investigation of the case and also undertakes that they will not annoy or disturb the informant or his family members 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 six weeks from the date of this order, they

shall be released on bail on jointly depositing a demand draft of Rs.30,000/- 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 Judicial

Magistrate -1st Class, Giridih, in connection with Bengabad P.S. Case No.569 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 number and a copy of

their Aadhar Card in the court below with the undertaking that they will not change their mobile number during the pendency of the case with further

condition that they will not annoy or disturb the informant or his family members in any manner during the 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 him, after proper identification.

At the time of conclusion of the trial, the learned trial court will pass appropriate orders regarding the amount, if any, deposited by the petitioners with

the informant.