

(2021) 06 JH CK 0007
In the Jharkhand High Court
Case No : A.B.A. No. 3362 Of 2021

Reyaj Khan @ Md. Reyaz Khan And Others
Vs

APPELLANT

State Of Jharkhand

RESPONDENT

Date of Decision : 07-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 307, 323, 324, 325, 341, 379, 452, 354, 504, 506
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 06 JH CK 0007

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Abhay Kr. Chaturvedy, Ruby Pandey, Sheo Kr. Singh

Judgement

Anil Kumar Choudhary, J

Heard the parties through video conferencing.

Apprehending their arrest in connection with Rehla P.S. Case No.113 of 2020 instituted under Sections 147, 148, 149, 341, 323, 324, 325, 379, 307,

452, 354, 504, 506 of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

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

assembly and in prosecution of the common object of the same, they attempted to murder Gafur Ansari, Sabila Parween and Alauddin Ansari. It is

submitted that the allegation against the petitioners is false. It is also submitted that during the investigation, police found that the offence punishable

under Section 307 of the Indian Penal Code is not made out. It is next submitted that for the self-same occurrence, from the side of the petitioners, the

petitioner No.5 also instituted Rehla P.S. Case No.116 of 2020. It is then submitted that the petitioners undertake that they will not disturb or annoy the informant or any of his family members in any manner during the pendency of the case nor will they go to or near the house of the informant during the pendency of the case. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to jointly pay ad interim victim compensation of Rs.20,000/- without prejudice to their defence in this case in favour of the informant of this case. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State being assisted by the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to

the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned C.J.M., Palamau within six weeks from today and in the

event of their arrest or surrendering, the petitioners will be enlarged on bail on jointly depositing a demand draft of Rs.20,000/- drawn in favour of the

informant of this case as ad interim victim compensation without prejudice to their defence in this case and on furnishing bail bond of Rs.25,000/-

(Twenty five thousand) each with two sureties of the like amount to the satisfaction of learned C.J.M., Palamau in connection with Rehla P.S. Case

No.113 of 2020 with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when

noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile number

during the pendency of the case and they will not disturb or annoy the informant or any of his family members in any manner during the pendency of

the case nor will they go to or near the house of the informant during the pendency of the case and subject to the conditions as laid down under

Section 438(2) of the Code of Criminal Procedure.

In case the petitioners deposit the said demand draft, the court below is directed to issue notice to the informant of this case and the court below shall

handover the same to him forthwith on his proper identification.