
(2021) 03 JH CK 0170
In the Jharkhand High Court
Case No : A.B.A. No. 7620 Of 2020

Sadhan Sahish @ Sadhan Kumar Sahish And Ors	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 26-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 143, 325, 326, 341, 427, 452, 504, 506

Citation : (2021) 03 JH CK 0170

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Mukesh Bihari Lal, Nehala Sharmin

Final Decision : Allowed

Judgement

Learned counsel for the petitioners undertakes to remove the surviving defects within four weeks as indicated in the order dated 12.02.2021.

Heard learned counsel for the petitioners and learned A.P.P for the State.

Petitioners seek protection of anticipatory bail in terms of Section 438 of Cr.P.C in connection with Jorapokhar P.S. Case No. 141 of 2020 instituted under Sections 143/452/504/506/341/325/326/427 of I.P.C, pending in the court of Judicial Magistrate, 1st Class, Dhanbad.

Learned counsel for the petitioners submits that the instant F.I.R against all family members including petitioner no. 3-wife of petitioner no. 4 is a follow up of the previous F.I.R being Jorapokhar P.S. Case No. 95 of 2020, which was lodged by the mother of the informant. In that case petitioners, Bhajan Sahish, Sadhan Sahish have been granted anticipatory bail by learned Additional Sessions Judge-XII, Dhanbad. Other co-accused, Gopal Sahish has also been granted anticipatory bail. Four of the accused persons in the instant F.I.R are common. He submits that except offences under Sections 452 and 326 of I.P.C all other offences are bailable in nature. No case under Sections 452 and 326 is

even made out as per the contents of the F.I.R. Therefore, petitioners may be protected from unnecessary arrest on such motivated allegation, which has been made one after the other against the petitioners.

Learned A.P.P. has opposed the prayer. She submits that three ladies, namely, Sobha Kumari, Jyoti Kumari and Sabitari Devi have sustained injuries though they are simple in nature. The accused parties have been pressurizing the informant party to withdraw the previous case.

I have considered the submission of learned counsel for the parties and taken into account the facts and circumstances above.

Having regard to the aforesaid facts and circumstances, I am inclined to grant the privilege of anticipatory bail to these petitioners. Accordingly, petitioners above named, in the event of their surrenders or arrests within a period of 4 weeks, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Dhanbad in connection with Jorapokhar P.S. Case No. 141 of 2020, subject to the condition as laid down under Section 438(2) of Cr.P.C. and other conditions as under:

1. Petitioner no. 4, Gopal Sahish shall appear on the first Monday of every month before the Officer Incharge, Jorapokhar Police Station.
2. Petitioners shall cooperate in the investigation.
3. Petitioners and their bailors shall not change their address or mobile number without permission of the trial court.