

(2020) 11 JH CK 0103
In the Jharkhand High Court
Case No : A.B.A. No. 5747 Of 2020

Sauta Sah @ Khagesh Kumar Sah And Ors
Vs

APPELLANT

State Of Jharkhand

RESPONDENT

Date of Decision : 10-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366A
Code Of Criminal Procedure, 1973 — Section 164, 438(2)

Citation : (2020) 11 JH CK 0103

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Aashish Kumar, P. Shrestha

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 Godda (M) P.S. Case

No.107 of 2019 registered under sections 363/366A of the Indian Penal Code.

The Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners have enticed away the victim minor girl

of the informant. It is further submitted that the allegations against the petitioners are all false and drawing attention of this Court to the statement

under Section 164 Cr.P.C. of the victim, a copy of which is at page no.14-15 of the brief, it is submitted that in her statement she has stated that she

has solemnized marriage with the petitioner no.3. It is next submitted that the petitioner no.1 is the father of petitioner no.3 and petitioner no.2 is the brother of petitioner no.3 and both the petitioner no.3 and the victim are leading a happy conjugal life and is happily living with the petitioner no.3. It is then submitted that the petitioners are ready and willing to cooperate with the investigation 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 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 C.J.M., Godda, in connection with Godda (M) P.S. Case No.107 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 numbers and a copy of their Aadhar Cards in the court below with the undertaking that they will not change their mobile numbers during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.