

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 620 of 2014

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1. Jitendra Prasad Saini

2. Man Mohan Singh

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Versus

The State of Jharkhand

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CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh

For the Petitioners: Mr. Abhishek Sinha, Advocate

For the State: Mr. Tapas Roy, A.P.P.

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03/ 30.08.2014 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners have been made accused in connection with Ratu P.S. Case No. 278/2013 corresponding to G.R. No. 6858/2013 registered under sections 406, 420, 467, 468, 471 and 34 of the Indian Penal Code, pending in the Court of Sri Deepak Barnwal, Judicial Magistrate, Ranchi.

Learned counsel for the petitioners submits that the same informant had earlier lodged a complaint being Complaint Case No. 1345/2012 with the same allegation, but only impleading another person who was her vendor namely Vijay Kumar Bariyar. It is submitted that a perusal of the said complaint at Annexure-2 clearly shows that there are no allegation against the present petitioners. However, it is submitted that the said complaint was forwarded to the Ratu Police Station for registration of an FIR, but despite that, the present FIR was instituted by the same informant with allegations that other persons including these petitioners had persuaded her to purchase the land which is Adivasi land. The sale deed was executed in 2003 and when she went to take possession of the land in 2012, she came to know about these facts. Referring to the impugned order, it has been also pointed out that the report of the Circle Officer, Ratu which has been forwarded by the Officer-in-charge of Ratu Police Station clearly indicates that the land was not a Adivasi land and the same was mutated in the name of the purchaser. However, physical possession of the land had not been transferred to the purchaser. It is submitted that the petitioners did not take steps for taking physical

possession of the land all along and in the year 2012, with a concocted allegation, has implicated these petitioners who are neither vendor, nor involved in the instant case. Rent receipts of the said land has also been brought on record by way of supplementary affidavit. Therefore, petitioners deserve to be enlarged on anticipatory bail.

Learned counsel for the State opposes the prayer for anticipatory bail.

Having heard counsel for the parties and having regard to the facts and circumstances of the case, it appears that the learned Court below has also found from the report of the Circle Officer, Ratu which indicated that the land was not Adivasi land and was mutated in the name of the purchaser. Moreover, in the earlier complaint, there are no allegations against the present petitioners while they have also been implicated in the present FIR lodged by the same informant. Therefore, I am inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners, above named, in the event of their surrender or arrest, shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each, with two sureties of the like amount each, to the satisfaction of Sri Deepak Barnwal, Judicial Magistrate, Ranchi, in connection with Ratu P.S. Case No. 278/2013 corresponding to G.R. No. 6858/2013, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Aparesh Kumar Singh, J)

Ranjeet/