

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.3625 of 2017

Md. Danish	Petitioner
Versus				
The State of Jharkhand	Opp. Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Naresh Pd. Thakur, Advocate
For the State	: Addl.PP.

02/30.06.2017 Apprehending his arrest in connection with Parsudih P.S. Case No.226 of 2016 corresponding to G.R. No.2950 of 2016 instituted under Sections 147, 341, 379, 302 of the Indian Penal Code, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Heard learned counsel appearing for the petitioner and learned Addl.PP. appearing for the State.

Learned counsel appearing for the petitioner submitted that the co-accused namely Gopy @ Md. Numan has been granted the privileges of anticipatory bail by a co-ordinate Bench of this court vider order dated 14.06.2017 in A.B.A No.1520 of 2017 relying upon the judgment of the honourable Apex Court in the case of “*Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others*” reported in (2011) 1 SCC 694. The allegations against the petitioner are false. Hence, the petitioner may be given the privileges of anticipatory bail.

Learned Addl.PP appearing for the State opposes the prayer for anticipatory bail of the petitioner and submits that the allegations against the petitioner are that he along with the co-accused persons surrounded the deceased - an old lady from all sides and first assaulted her and thereafter dragged her in brutal manner by using a rope leading to her death. The informant is an eye witness to the occurrence. The motive for assault is that the daughter of the deceased namely Anamika Mandal, prior to the occurrence, instituted a case against the two co-accused persons with the allegation that after tress-passing into her house, they assaulted her and

attempted to commit rape on her.

It is a settled principle of law as has been held by the Apex Court in the case of “***Jai Prakash Singh vs State of Bihar & Anr.***” reported in AIR-2012 SCC-1676 after also referring its judgment in “*Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others*” (Supra) in para-18 “*That the parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefore. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty*”.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am not inclined to give the privileges of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail for the above named petitioner is rejected.

Animesh

(Anil Kumar Choudhary, J.)