

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 923 of 2019

1. Nishar Ansari @ Nisar Ansari
2. Hafiz Mahtab Alam @ Mahtab Ansari
3. Washim Ansari @ Wasim Ansari
4. Zashim Ansari @ Jashim Ansari @ Jasim Ansari
... Petitioners
The State of Jharkhand ... Opposite Party
Versus

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. V. Anand, Advocate
For the State : Addl. P.P.

Order No.04 Dated- 28.02.2019

Apprehending their arrest, the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Barkatha P.S. Case No.29 of 2018 (G.R. No. 434 of 2018) registered under sections 420/406/452/504/506 of the Indian Penal Code.

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

The Learned counsel for the petitioners submits that the allegation against the petitioners is that petitioners took the JCB Machine of the informant on hire at the rate of Rs.80,000/- per month and paid Rs.2.40 lakhs but he is liable to pay Rs.7.20 lakhs more to the informant. It is further submitted that the allegation against the petitioners are all false. It is then submitted that no agreement has ever been entered into by the parties in respect of the hiring of the said JCB Machine. It is next submitted that petitioners and informant were the partners of the said JCB Machine and a meeting was convened on 01.03.2017 to settle the accounts of the said partnership and a sum of Rs.2,23,564/- was to be paid by the informant to the petitioners and to save himself from payment of the said amount, the informant has instituted this false case. It is next submitted that the dispute is purely of a civil nature. There is no allegation of any dishonest intention of the

petitioners at the time of alleged entrustment of the JCB Machine. It is next submitted that the petitioners are ready and willing to furnish sufficient security including cash security and undertake 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 four 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 J.M. 1st Class, Hazaribag, in connection with Barkatha P.S. Case No.29 of 2018 (G.R. No. 434 of 2018) 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.

(Anil Kumar Choudhary, J.)

Sonu/Gunjan-