

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**A.B.A. No. 5352 of 2018**

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1. Rajendra Prasad Soni @ Raju Soni, son of late Lakhi Prasad Soni
2. Chhatradhari Saw, son of Neelkanth Saw
3. Mukesh Kumar Thakur @ Mukesh Thakur, son of Suresh Thakur
4. Kameshwar Singh, son of late Govardhan Singh ..... **Petitioners**

**Versus**

The State of Jharkhand .....**Opposite Party**

with

**A.B.A. No. 3482 of 2018**

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1. Geeta Devi, wife of Bedo Mirdha
2. Ashok Turi, son of Bedo Mirdha ..... **Petitioners**

**Versus**

The State of Jharkhand .....**Opposite Party**

with

**A.B.A. No. 5894 of 2018**

.....

Mobin Ahmad, s/o Amiruddin Mian ..... **Petitioner**

**Versus**

The State of Jharkhand .....**Opposite Party**

with

**A.B.A. No. 5981 of 2018**

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Babujan Ansari, son of late Ishak Mian ..... **Petitioner**

**Versus**

The State of Jharkhand .....**Opposite Party**

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**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**

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For the Petitioners : Mr. Arvind Kr. Choudhary, Advocate [in A.B.A. No. 5352 of 2018]

Mr. Suraj Kumar, Advocate

[in A.B.A. No. 5981 of 2018 & A.B.A. No. 3482 of 2018]

Mr. Arwind Kumar, Advocate [in A.B.A. No. 5894 of 2018]

For the State : Mr. Pankaj Kumar, A.P.P

: Mr. Ram Prakash Singh, A.P.P.

: Mr. Tapas Roy, A.P.P.

: Mr. Vikash Kishore, A.P.P.

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**10/28.06.2019** Learned counsels for the petitioners in A.B.A. No. 3482 of 2018, A.B.A. No. 5894 of 2018 and A.B.A. No. 5981 of 2018 seek permission to withdraw their respective applications.

Learned counsels for the State have no objection.

Accordingly, A.B.A. No. 3482 of 2018, A.B.A. No. 5894 of 2018 and A.B.A. No. 5981 of 2018 are dismissed as withdrawn.

**A.B.A. No. 5352 of 2018**

Four petitioners namely Rajendra Prasad Soni @ Raju Soni, Chhatradhari Saw, Mukesh Kumar Thakur @ Mukesh Thakur and Kameshwar Singh are apprehending their arrest in connection with Sariya P.S. Case No. 13 of 2018 corresponding to G.R. No. 333/2018 for the offence registered under sections 406,

420/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that though petitioners are not named in the F.I.R. rather as per the allegation made in the F.I.R. by the Block Development Officer, some irregularity has been found and the Mukhiya Geeta Devi, Babujan Ansari (the then Panchayat Secretary), Ashok Turi (middle men), Renu Devi have been made named accused in the F.I.R. with an allegation that they have connived and have taken bribe from the beneficiary. Learned counsel for the petitioner has further submitted that these petitioners have no criminal antecedent. From the counter-affidavit filed by the Block Development Officer, Sariya, it has been brought on record that petitioner Rajendra Prasad Soni @ Raju Soni and Kameshwar Singh have jointly taken bribe of Rs. 3300/- from the beneficiaries at the rate of Rs. 1100/- per beneficiary. Kameshwar Singh has also taken bribe of Rs. 1100/- from another beneficiary and Mukesh Kumar Thakur @ Mukesh Thakur has taken bribe of total Rs. 19500/- from six persons and there is no allegation with regard to Chhatradhari Saw.

Learned counsel for the petitioners has further submitted that though none of the petitioners have taken any money from any of the beneficiaries but even then for grant of anticipatory bail they are ready to deposit the same with a fine of Rs. 5000/- each before the Block Development Officer.

Learned counsel for the State, Mr. Ram Prakash Singh, A.P.P. has opposed the prayer for anticipatory bail and has submitted that the beneficiary has stated that these persons have taken money as bribe and as such, they do not deserve the privilege of anticipatory bail.

Heard learned counsel for the parties and perused the materials brought on record. It appears that these persons are the private parties who have nothing to do with the Block Development Officer. A bribe cannot be taken by a person who has no role in the act. However, it is alleged in the counter-affidavit by the Block Development Officer that Rajendra Prasad Soni @ Raju Soni and Kameshwar Singh have jointly taken Rs. 3300/- from three persons, Kameshwar Singh has separately taken Rs. 1100/- from one person, Mukesh Kumar Thakur @ Mukesh Thakur has taken Rs. 19500/- from six persons and they are also inclined to deposit the same before the Block Development Officer, Sariya along with fine of Rs. 5000/- each to be deposited before the Chief Minister's Relief Fund.

Under the aforesaid circumstances, the petitioners Rajendra Prasad Soni @ Raju Soni is directed to be enlarged on anticipatory bail on showing of deposit before Block Development Officer, Sariya, Giridih of Rs. 1650+5000= Rs. 6650/-, Kameshwar Singh on deposit of Rs. 1650 + 1100 + 5000= Rs. 7750/-, Mukesh Kumar Thakur @ Mukesh Thakur on deposit of Rs. 19500 + 5000= Rs. 24,500/-

and Chhatradhari Saw without any fine, in the event of their surrender/arrest within four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Giridih in connection with Sariya P.S. Case No. 13 of 2018 corresponding to G.R. No. 333/2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The Block Development Officer, Sariya is directed to receive the amount and issue receipt thereof. This amount shall be considered as a condition for anticipatory bail. The amount shall be transferred in the account of Hon'ble The Chief Minister Relief Fund, Jharkhand immediately. The petitioners or their bailors shall not change their address without prior permission of the learned trial court.

Perused the show-cause filed by the Block Development Officer, Sariya and found satisfactory, as such, this Court is accepting the same and personal appearance of the Block Development Officer, Sariya is hereby dispensed with.

**(Kailash Prasad Deo, J.)**