

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 5299 of 2020

1. Kishore Prasad Barnwal @ Burnwal		
2. Rajendra Prasad Singh	...	Petitioners
Versus		
The State of Jharkhand & Anr.	...	Opposite Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Sudhansu Kr. Deo, Adv.
For the State	: Mr. Ashok Kumar, Addl. P.P.

03 / 21.10.2020 Heard the parties through Video Conferencing.

Mr. Sudhansu Kr. Deo, learned counsel for the petitioner personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by learned counsel for the petitioner, 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 complaint case no. 599 of 2017 registered under Sections 323, 379, 448, 504, 34 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners entered into the house of the complainant armed with deadly weapon in furtherance of the common intention, assaulted the complainant and committed robbery and demanded extortion of Rs.5,00,000/-. It is then submitted that the allegations against the petitioners are all false. It is further submitted by learned counsel for the petitioners drawing attention of the court to page 33-36 of the brief, which is the copy of the certified copy of the final report submitted by police after due investigation of the case, that the police submitted final form in this case because of lack of evidence, thereafter upon protest petition being filed, learned Magistrate has found the prima facie case for the offence punishable under Section 323, 379, 448, 504, 34 IPC and except offence punishable under section 379 IPC, the other offences are bailable in nature . It is next submitted

that the petitioners undertake not to annoy or disturb the complainant in any manner during pendency of the case hence, the petitioners be given the privilege of anticipatory bail.

The learned Addl. PP opposes the prayer for anticipatory bail of the petitioners.

Considering aforesaid facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioners. Hence, in the event of arrest by the police or surrender within a period of six weeks from the date of this order, the petitioners 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., Deoghar in connection with complaint case no. 599 of 2017 subject to the condition that the petitioners will not annoy or disturb the complainant in any manner during pendency of the case along with the other conditions laid down under section 438 (2) Cr. P.C.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-