

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 955 of 2021

Md. Salim Miyan @ Salim Miyan --- --- Petitioner
Versus
The State of Jharkhand --- --- Opposite Party

CORAM: Hon'ble Mr. Justice Aparna Kumar Singh
Through: Video Conferencing

For the Petitioner: Mr. Vijay Kr. Sharma, Advocate
For the State: Mr. Subodh Kr. Dubey, A.P.P

03/26.03.2021 Heard learned counsel for the parties.

2. Petitioner seeks anticipatory bail in terms of Section 438 of the Cr.P.C in connection with Itkhori P.S. Case No. 93/2020 for the offence under sections 147, 148, 149, 323, 325, 307, 504 and 506 of Indian Penal Code and pending before the Court of learned Additional Chief Judicial Magistrate, Chatra.

3. Learned counsel for the petitioner submits that the instant case is a counter blast to Itkhori P.S. Case No. 92/2020 lodged by the petitioner against the Informant and other persons, as a result of village politics. They had formed an unlawful assembly and assaulted with deadly weapons with an intention to cause murder of the members of the petitioner's family. There is no specific allegation against the petitioner and except section 307 of the I.P.C, all other sections are bailable. It is submitted that the petitioner is 70 years old and has no criminal antecedent. He is a respectable person of the society. It is further submitted that in respect of alleged injury no. 1 and 2 upon the victim Md. Naushad, opinion has been reserved and the matter has been referred to Sadar Hospital, Hazaribag for further management. Therefore, petitioner may be protected from unnecessary arrest.

4. Learned A.P.P has opposed the prayer. He however does not dispute that there is case and counter case between the parties.

5. Upon hearing the learned counsel for the parties and in the facts and circumstances noted above, and that there is case and counter case between the parties and that the petitioner is a 70 years old person, I am inclined to grant anticipatory bail to the petitioner. Accordingly, petitioner above named, in the event of his surrender or arrest within a period of four weeks, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Chatra, in connection with Itkhori P.S. Case No. 93/2020, subject to the condition that one of the bailors should be a

2.

Government servant and other conditions as laid down under Section 438(2) of Cr.P.C.

Petitioner shall cooperate in the investigation. Petitioner and his bailors shall not change their address or mobile number without permission of the trial court.

(Aparesh Kumar Singh, J)

Ranjeet/