

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B. A. No. 5905 of 2021

1. Shankar Sao @ Shankar Saw
2. Sunil Yadav ... Petitioners

Versus

The State of Jharkhand ... Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Rakesh Kr. Gupta ,Adv.
For the State : Mr. Prabir Kr. Chatterjee ,Spl. P.P.

02 / 31.08.2021

Heard the parties through Video Conferencing.

Learned counsel for the petitioners 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 petitioners 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 Gawan P.S. Case No. 167 of 2020 registered under Sections 287, 304(A), 34 of the Indian Penal Code and Section 4/ 21 of MMDR Act, 1957.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners were engaged in illegal mining of mica by using JCB machine by employing the laborers without arranging safety measures and four labourers namely Gopal Besra, Pawan Kumar Besra , Anil Yadav and Badku Murmu died under mud and stone. It is then submitted that the allegations against the petitioners are all false and those allegations are general and omnibus in nature. It is further submitted by learned counsel for the petitioners drawing attention of the court to annexure 2 series page 17 to 19 , wherein Suma Murmu- the wife of the deceased Gopal Besra and also the mother of the deceased Pawan Kumar Besra has sworn an affidavit to the effect that her husband and son had gone to pick up mica scrap voluntarily and Mithlesh- the son of the deceased Badku Murmu and Dwarika Yadav- the father of the deceased Anil Yadav have also sworn the similar affidavits. It is next submitted that the petitioners are ready to co-operate

with the investigation of the case and they also undertake to pay a total sum of Rs. 2,00,000/- jointly by way of three demand drafts of Rs. 1,00,000/- drawn in favour of Suma Murmu, Rs. 50,000/- drawn in favour of Mithlesh Murmu and Rs. 50,000/- drawn in favour of Dwarika Yadav as ad interim victim compensation without prejudice to their defence hence, the petitioners be given the privilege of anticipatory bail.

The learned Spl. 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 petitioner shall be released on bail on depositing a total sum of Rs. 2,00,000/- jointly by way of three demand drafts of Rs. 1,00,000/- drawn in favour of Suma Murmu, Rs. 50,000/- drawn in favour of Mithlesh Murmu and Rs. 50,000/- drawn in favour of Dwarika Yadav as ad interim victim compensation without prejudice to their defence and 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 JMFC, Giridih in connection with Gawan P.S. Case No. 167 of 2020 subject to the condition that the petitioners will co-operate with the Investigation of the case and will appear before the Investigating Officer as and when noticed by him and will submit mobile number and photocopy of *Aadhaar* card at the time of surrender in the court below with an undertaking not to change mobile number during the pendency of the case along with the other conditions laid down under section 438 (2) Cr. P.C.

In case of depositing aforesaid demand draft by the petitioners learned court below is directed to issue notice to the above named victims and release the demand draft in their favour on proper identification forthwith.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-