

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.7279 of 2021**

1. Rupesh Kumar @ Rupesh Yadav
2. Bittu Yadav @ Biltu Yadav
3. Subash Yadav @ Subhash Kumar Yadav @ Subhash Yadav
4. Bhairo Yadav Petitioners
Versus
The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Aashish Kumar, Advocate
For the State : Mr. Sardhu Mahto, Addl.P.P

Order No.02 Dated- 30.09.2021

Heard the parties through video conferencing.

Learned counsel for the petitioners undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioners, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending their arrest in connection with Poraiyahat P.S. Case No.39 of 2020 instituted under Sections 147, 149, 341, 323, 337, 307, 353 of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners were the members of an unlawful assembly and in prosecution of the common object of the assembly they used criminal force against the police personnel and deterred them from discharging their duty when police personnel were forbidding excavation of sand illegally and caused injuries to Sharwan Kumar Mandal and Gautam Kumar. It is submitted that the allegation against the petitioners is false. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case and to jointly pay ad interim victim compensation of Rs.40,000/- without prejudice to their defence in this case in favour of the victims- Sharwan Kumar Mandal and Gautam Kumar. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court of learned J.M.- 1st Class, Godda within six weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail on jointly depositing two separate demand drafts of Rs.20,000/- each as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the victims- Sharwan Kumar Mandal and Gautam Kumar and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.- 1st Class, Godda in connection with Poraiyahat P.S. Case No.39 of 2020 with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile number and photocopy of the Aadhar Card with an undertaking that they will not change their mobile number during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioners deposit the said demand draft, the court below is directed to issue notice to the victims- Sharwan Kumar Mandal and Gautam Kumar and on their proper identification, the court below shall handover the same to them forthwith.

(Anil Kumar Choudhary, J.)

Animesh/