

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 2118 of 2023

Tinku Kasera @ Tinku Kumar Kasera.... Petitioner
Versus
The State of Jharkhand Opposite Party

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Rajiv Ranjan, Advocate
For the State : Mr. Sanat Kr. Jha, Addl.P.P

Order No. 02 Dated- 31.03.2023

Heard learned counsel for the parties.

Apprehending their arrest in connection with Bishnugarh P.S.

Case No. 25 of 2021 instituted under Sections 147, 149, 323, 337, 153-A, 295-A, 332, 188, 353, 504 and 506 of the Indian Penal Code, the petitioners have moved this Court for grant of privilege of anticipatory bail.

It is alleged that on the occasion of saraswati puja, a procession for immersing the idol of goddess saraswati was passing through Akhada Chowk but the petitioners and others being members of the said procession stopped near Mosque and started playing vulgar songs in loud volume to instigate the persons of other communities. It is further alleged that the informant and police personnels tried to persuade them for not playing vulgar songs, they started raising slogans against the police personnels and pelleted stones at them and used criminal force against them and also obstructed them from discharging their official duties.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have committed no offence at all rather they have been falsely implicated in this case on the basis of disclosure by local chaukidaar and other police personnels. Petitioners have no criminal antecedents and no specific overt act has been attributed against the petitioners. Petitioners undertake to co-operate with the investigation of the case. Hence, the petitioners may be extended the privilege of anticipatory bail.

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

Considering the facts and circumstances of this case, the nature of allegation against petitioners coupled with materials available on record, I am inclined to extend privilege of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender in the Court within four weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail 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 Judicial Magistrate, 1st Class, Hazaribag in connection with Bishnugarh P.S. Case No. 25 of 2021 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.

(Pradeep Kumar Srivastava, J.)

R.S./