

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Miscellaneous Jurisdiction)

ABA No. 6608 of 2023

Deepak Kumar	Petitioner
	Versus		
The State of Jharkhand		...	Opposite Party

CORAM : HON'BLE MR. JUSTICE RATNAKER BHENGRA

For the Petitioner	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Satish Prasad, APP

Order No.05/Dated: 30th November, 2023

When the matter is called out, both the learned counsels have appeared.

The petitioner is an accused for the offence under sections 147, 341, 323, 504, 506, 427, 384 and 386 IPC.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He has further submitted that there is land dispute between the parties. He has further submitted that for same matter one Sadar PS Case No. 96 of 2023 has also been lodged by the informant for harassing the accused. He has further submitted that the land had been purchased by the fore-father of Raj Kishore Choudhary namely late Babu Niranjana Choudhary and others through registered sale deed no. 5092 in the year 1943 and, thereafter, they had filed a partition suit no. 119 of 1946 in which after judgment a final decree was prepared on 5.2.1947 and on the basis of that they got possession of the land in question. He further submits that one of the co-accused namely Jitendra Kumar has been granted regular bail by this Court *vide* order dated 4.9.2023 passed in BA No. 6633 of 2023 and the case of the petitioner is on similar footing. Therefore, he may be released on anticipatory bail. He has further submitted that petitioner has also got anticipatory bail in Sadar PS Case No. 96 of 2023 *vide* order dated 24.7.2023 passed in ABA No. 4462 of 2023 and also several co-accused persons have been released on anticipatory bail by this Court *vide* order dated 27.7.2023 passed in ABA No. 4944 of 2023. Therefore, petitioner may be released on anticipatory bail in this case also.

Learned counsel for the State opposed the prayer for anticipatory bail and submitted that allegations against the petitioner has been made under various sections of the IPC. The informant has supported his case in his re-statement. In paragraph nos. 5,6,7, and 8 of the case diary as many as four witnesses have clearly stated about involvement of the present petitioner. The Investigating officer has also found the case true against the petitioner. The petitioner has also an antecedent

of similar nature. Therefore, he may not be released on anticipatory bail.

Regard being had to the aforesaid facts, I am inclined to extend the privilege of anticipatory bail to the petitioner, named above. Accordingly, the petitioner is directed to surrender before the learned Court below within a period of three weeks from today and on his surrender or arrest, he shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ranchi, in connection with Sadar P.S. Case No. 39 of 2023, subject to the conditions (i) that the petitioner will furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his number during pendency of the case (ii) the petitioner shall attend the trial regularly, (iii) the petitioner shall report to the concerned police station on every last Saturday of the month, between 01:00 and 05:00 p.m. for one year, failing which or if any adverse remarks regarding his non- appearance at the police station, his bail-bond shall be liable to be cancelled. Any exemption to such attendance shall be done so after direction from the learned Court below and subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

KNR

(Ratnaker Bhengra, J.)