IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.1934 of 2020
------

1. Motahar Sk. @ Mutahar Sk. @ Musahar Sk.
2. Majibul Sk.
3. Abdul Faruk @ Faruk Abdulla

.... …. Petitioners

Versus

The State of Jharkhand ....Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Gautam Kumar, Advocate
For the State : Mr. V.Ray, A.P.P

Order No.04 Dated- 11.12.2020

Apprehending their arrest in connection with Maheshpur P.S. Case No. 75 of 2016 corresponding to G.R. No. 423 of 2016 instituted under Sections 379/427/34 of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Heard learned counsel appearing for the petitioners and learned A.P.P appearing for the State.

Learned counsel appearing for the petitioners submits that earlier the petitioner filed A.B.A. No.8141 of 2019 but therein the counsel for the petitioners has wrongly made submission before this Court that the petitioners appeared before the Investigating Officer and they have been released on bail, accordingly the said anticipatory bail application was dismissed as not maintainable. It is next submitted that the prayer for anticipatory bail to the petitioner has never been considered on merit. Drawing attention of this Court to the copy of the certified copy of the entire order-sheet of the case, which has been filed by way of supplementary affidavit, it is submitted that the petitioners have never appeared before the police or the court nor submitted any bail bond. It is next submitted that the allegation against the petitioners is that the petitioners have removed the trees which were planted by the informant on verbal permission of the concerned Department of the Government near the bank of pond. It is submitted that the allegation against the petitioners is false. It is next submitted that the petitioners undertake that they will not dig out earth from or near the place of occurrence and they will

also not go to or near the place of occurrence pond. 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.10,000/- without prejudice to their defence in this case in favour of the informant. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned A.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, Pakur within six weeks from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on jointly depositing a demand draft of Rs.10,000/- as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the informant and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount to the satisfaction of learned J.M. 1st Class, Pakur in connection with Maheshpur P.S. Case No. 75 of 2016 corresponding to G.R. No. 423 of 2016 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 numbers and photocopy of the Aadhar Cards with an undertaking that they will not change their mobile numbers during the pendency of the case and with condition that the petitioners undertake that they will not dig out earth around the place of occurrence and go near the pond 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 informant and on his proper identification, the court below shall handover the same to him forthwith.

(Anil Kumar Choudhary, J.)

Pappu/