IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.4467 of 2020
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1. Mahabir Prajapati
2. Tulasi Prajapati
3. Santosh Prajapati
4. Chandan Prajapati
5. Deepak Prajapati .... …. Petitioners

Versus

The State of Jharkhand ....Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Sheo Kr. Singh, Advocate
For the State : Mr. V. S. Sahay, A.P.P

Order No.02 Dated- 01.10.2020

Heard the parties through video conferencing.

Apprehending their arrest in connection with Chhattarpur P.S. Case No.159 of 2019 instituted under Sections 341/323/324/325/307/504/506/34 of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Mr. Sheo Kr. Singh- 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.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners in furtherance of common intention, attempted to murder the Amrendra Prajapati, Gopal Prajapati and Ramnaj Prajapati and caused injuries to them. It is submitted that the allegation against the petitioners is false. It is then submitted that for the self-same occurrence, from the side of the petitioners, petitioner No.3 lodged Chhattarpur P.S. Case No.158 of 2019 and as a counter-blast this false case has been foisted

against the petitioners. It is also submitted that there was a free-fight between the parties and the informant party was the aggressor party. It is then submitted that the petitioners undertake that they will not disturb or annoy the victims or any of their family members in any manner during the pendency of the case. 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.15,000/- without prejudice to their defence in this case in favour of the victims- Amrendra Prajapati, Gopal Prajapati and Ramnaj Prajapati. 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. Palamau at Daltonganj within eight weeks from today and in the event of their arrest or surrendering, the petitioners will be enlarged on bail on jointly depositing three separate demand drafts of Rs.5,000/- each as ad interim victim compensation without prejudice to their defence in this case drawn in favour of the victims- Amrendra Prajapati, Gopal Prajapati and Ramnaj Prajapati 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. Palamau at Daltonganj in connection with Chhattarpur P.S. Case No.159 of 2019 **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 they will not disturb or annoy the victims or**

any of their family members in any manner 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 drafts, the court below is directed to issue notice to the victims- Amrendra Prajapati, Gopal Prajapati and Ramnaj Prajapati and on their proper identification, the court below shall handover the same to them forthwith.

(Anil Kumar Choudhary, J.)

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