IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No.5906 of 2020
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1. Pyari @ Pyare Choubey
2. Satish Chaubey
3. Birendra Chaubey .... …. Petitioners

Versus

The State of Jharkhand ....Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. B.K. Dubey, Advocate
For the State : Mr. Anup Pawan Topno, A.P.P

Order No.02 Dated- 12.11.2020

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 Mayurhand P.S. Case No. 57 of 2020 instituted under Sections 143/147/ 341/323/307 of the Indian Penal Code, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that the petitioners were the member of an unlawful assembly and in prosecution of the common object of the assembly, they attempted to murder the informant- Uday Choubey, Govind Coubey and Urmila Devi. 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, the petitioner no.1 lodged Mayurhand P.S. Case No. 56 of 2020 and as a counter blast, this false case has been foisted against the petitioner. It is submitted that there was free fight between the parties in connection with land dispute in which the informant was the aggressor party. It is submitted that the petitioners undertake that they will not annoy or disturb the informant or any of his 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.25,000/- 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 Chief Judicial Magistrate at Chatra 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.25,000/- 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 Chief Judicial Magistrate at Chatra in connection with Mayurhand P.S. Case No. 57 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 numbers during the pendency of the case and they will not annoy or disturb the informant or any of his 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 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/