IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 8838 of 2019

Girish Kumar Dubey … Petitioner

Versus

The State of Jharkhand ⋯ Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Onkar Nath Tiwary, Advocate
For the State : Mr. Rajneesh Vardhan, Addl. P.P.

Order No.04 Dated- 13.01.2020

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Govindpur P.S. Case No.170 of 2019 registered under sections 302/120B of the Indian Penal Code read with section 27 of the Arms Act.

Heard the learned counsel for the petitioner and learned Addl. P.P. for the State.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner is the proprietor of Scot Rider Security Company and the deceased –Shyam Bihari Mishra was working as a security guard in the said Scot Rider Security Company and while he was cutting jokes with the co-accused –Nimai Chandra Gope, he received gunshot injury from the co-accused –Nimai Chandra Gope and the deceased –Shyam Bihari Mishra succumbed to the gunshot injury so sustained. It is also alleged that the petitioner did not pay the salary of the deceased for last six months and the husband of the informant used to say that the petitioner is a dangerous man and he may get the husband of the informant killed. It is further submitted that the allegation against the petitioner are false. It is next submitted that the petitioner is ready and willing to pay Rs.1,00,000/- in installments as ad interim victim compensation to the wife of the deceased namely Smt. Devi Mishra without prejudice to his defence in this case and undertakes to cooperate with the investigation of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Addl. P.P. opposes the prayer for grant of anticipatory bail.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court of learned Judicial Magistrate, 1st Class, Dhanbad within four weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail **provisionally** for a period of one month from the date of his surrender on depositing a demand draft of Rs.25,000/- drawn in favour of the wife of the deceased namely Devi Mishra and on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Dhanbad in connection with Govindpur P.S. Case No.170 of 2019 **with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his 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. In case the petitioner deposits another demand draft of Rs.15,000/- within the period for which the provisional bail is granted, then the provisional bail shall be extended for further one month from the date of his deposit by the trial court. Accordingly, on depositing of each demand draft of Rs.15,000/- drawn in favour of the wife of the deceased namely Devi Mishra, the provisional bail granted to the petitioner shall be extended for a period of further one month and on the petitioner depositing the last demand draft of Rs.15,000/- drawn in favour of the wife of the deceased namely Devi Mishra thereby completing payment of the total amount of Rs.1,00,000/- on or before five months of the date of his surrender in the learned court below, the provisional bail granted to the petitioner shall be confirmed by the trial court till disposal of the case.

It is made clear that in case of failure of the petitioner to deposit any of the installments as mentioned above, the provisional

bail granted to him shall stand cancelled and the trial court will take appropriate steps for his apprehension for facing the trial.

In case the petitioner deposits the said demand drafts, the court below is directed to issue notice to the wife of the deceased namely Devi Mishra and on her proper identification, the court below shall handover the same to her forthwith.

(Anil Kumar Choudhary, J.)

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