

**Amit Kumar Vs. The State of Jharkhand and Anr**

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**SooperKanoon Citation :** [sooperkanoon.com/110314](http://sooperkanoon.com/110314)

**Court :** Jharkhand

**Decided On :** Jun-19-2017

**Appellant :** Amit Kumar

**Respondent :** The State of Jharkhand and Anr

**Judgement :**

IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 2724 of 2017 Yunus Ansari Petitioner(s) Versus The State of Jharkhand Opp. Party Coram: HONBLE MR. JUSTICE A. K. CHOUDHARY For the Petitioner(s) : Mr. Awanish Shekhar, Adv. For the Opp. Party : Addl. P.P. 05 /19.06.2017 Learned counsel for the petitioner submits that though the case has been listed under the heading for orders, it should be listed under the heading for hearing. Registry is directed to be careful in future and list this case under appropriate heading. Apprehending his arrest, the petitioner has moved this Court for grant of privi lege of anticipatory bail in connection with Itkhori P.S. Case No.106 of 2015 registered under sections 379/232/34 of the Indian Penal Code. Heard learned counsel appearing for the petitioner as well as learned Addl. P.P. for the State. Learned counsel for the petitioner submits that the alleged stolen vehicle was seized by police in connection with Mandu P.S. Case No.43 of 2016 and the accused person of that case has stated to police that the alleged stolen vehicle was purchased by him from the petitioner of this case but the petitioner submitted that this case has falsely been instituted against him. He has noting to do with the alleged stolen vehicle. There is no document to show that the petitioner has ever sold the said

pick up van bearing Registration No.JH02Q 9346 to any body. The petitioner is ready and willing to deposit Rs.10,000/ as ad interim victim compensation for the victim Dhub Rana without prejudice to his defence in this case. Learned Addl. P.P. appearing on behalf of the State opposes the prayer for anticipatory bail of the petitioner. Considering the submissions of counsels and the aforesaid facts and circumstances of the case, I am inclined to grant privileges of anticipatory bail to the petitioner. Hence, in the event of his arrest or surrender within a period of four weeks from the date of this order, he shall be released on bail on depositing Rs.10,000/ as ad interim victim compensation for the victim Dhub Rana and furnishing bail bond of Rs. 10,000/ (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Chatra in connection with Itkhori P.S. Case No.106 of 2015 (G.R. No.1759 of 2015) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. In case, the petitioner deposits the said amount, the court below shall issue notice to the informant Dhub Rana and on his appearance and on proper verification, the court below will release the said amount so deposited to him. Gunjan/ (Anil Kumar Choudhary, J.) IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 2983 of 2017 Ashwini Kumar Tiwari @ Ashwini Tiwari @ Ashwini Kr. Tiwari .... . Petitioner Versus 1. The State of Jharkhand 2. Jaya Kumari .... . Opp. Parties CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY For the Petitioner : Mr. C. Mukherjee, Advocate For the State : A.P.P. For Opp. Party No.2 : Mr. M.B. Lal, Advocate 04/19.06.2017 Heard learned counsel appearing for the petitioner, learned Addl. P.P. for the State as well as learned counsel for opposite party no.2. Both the petitioner and opposite party no.2 are present in Court in person. The petitioner submits that he is ready and willing to take opposite party no.2 along with him and he will arrange a separate accommodation and for that he wants one week time. On consent of both the parties, list this case on 28.06.2017 at 2:15 p.m. Learned Addl. P.P. appearing on behalf of the State opposes the prayer for anticipatory bail of the petitioner. Considering the submissions of counsels and the fact as discussed, I am inclined to pass an interim order of anticipatory bail to the petitioner provisionally till 28.06.2017. In case of the petitioner being arrested by the police on or before 28.06.2017, he shall be released on bail provisionally on furnishing bail bond of

Rs. 10,000/ (Ten thousand) with two sureties of the like amount each to the satisfaction of the officer concerned in connection with Ratu P.S. Case No.100 of 2016 (G.R. No.2638 of 2016) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. Gunjan/ (Anil Kumar Choudhary, J.) IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 2735 of 2017 1. Birma Devi 2. Raju Yadav 3. Trilochan Yadav 4. Ramesh Yadav .... . Petitioners Versus The State of Jharkhand .... Opp. Party CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY For the Petitioners : Mr. L. Yadav, Advocate For the State : A.P.P. 03/19.06.2017 Apprehending their arrest the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Devipur P.S. Case No.38 of 2017 registered under Sections 341/323/504/307/379/34 of the Indian Penal Code. Heard learned counsel appearing for the petitioners as well as learned Addl. P.P. for the State. Learned counsel for the petitioners submits that there is no specific allegation against the petitioners of causing any injury to the victim and this specific allegation is caused by coaccused Dilip Yadav by an axe blow over the head of informant. Learned Addl. P.P. appearing on behalf of the State opposes the prayer for anticipatory bail of the petitioners and submits that case diary along with injury report be called for. Call for the case diary along with injury report from the concerned trial court . List this case on 18.07.2017. Considering the submissions of counsels and the fact as discussed, I am inclined to pass an interim order of anticipatory bail to the petitioners provisionally till 18.07.2017. In case of the petitioners being arrested by the police on or before 18.07.2017, they shall be released on bail provisionally on furnishing bail bond of Rs. 10,000/ (Ten thousand) each with two sureties of the like amount each to the satisfaction of the officer concerned in connection with Devipur P.S. Case No.38 of 2017 (G.R. No.442 of 2017) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. Gunjan/ (Anil Kumar Choudhary, J.) IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 3033 of 2017 1. Sunil Mandal 2. Ramesh Mandal .... . Petitioners Versus The State of Jharkhand .... Opp. Party CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY For the Petitioners : Mr. K. Sarkhel, Advocate For the State : A.P.P. 04/19.06.2017 Apprehending their arrest the petitioners have moved this Court for grant of privilege of anticipatory bail in

connection with Karmatanr P.S. Case No.179 of 2016 registered under Sections 353/324/325 of the Indian Penal Code. Heard learned counsel appearing for the petitioners as well as learned Addl. P.P. for the State. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated. It is further submitted that there is general and omnibus allegation against the petitioners and they have not used any force against the police officers. Coaccused whose case stands on similar footing had already been given the privilege of anticipatory bail vide order dated 17.03.2017 passed in A.B.A. Nos.718, 1103 and 1456 of 2017 respectively. Learned Addl. P.P. appearing on behalf of the State opposes the prayer for anticipatory bail of the petitioners but concedes that coaccused whose case stand on similar footing had already been given the privileges of anticipatory bail. Considering the submissions of counsels and the aforesaid facts and circumstances of the case, I am inclined to grant privileges of anticipatory bail to the petitioners. Hence, in the event of their arrest or surrender within a period of four weeks from the date of this order, they shall be released on bail on furnishing bail bond of Rs. 10,000/ (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamtara in connection with Karmatanr P.S. Case No.179 of 2016 (G.R. No.1108 of 2016) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, subject to the further condition is that on the date of surrender, petitioners shall deposit Rs.4000/ each in the court below. The aforesaid deposit is subject to the result of the case. Gunjan/ (Anil Kumar Choudhary, J.) IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 3104 of 2017 1. Yakub Mian @ Aakub Mian 2. Maqsood Mian @ Ansari @ Maqshud Ansari .... . Petitioners Versus The State of Jharkhand .... . Opp. Party CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY For the Petitioners : Mr. R. Lochan, Advocate For the State : A.P.P. For Opp. Party No.2 : Mr. N.P. Choudhary, Advocate 04/19.06.2017 Apprehending their arrest the petitioners have moved this Court for grant of privilege of anticipatory bail in connection with Karmatanr P.S. Case No.83 of 2017 registered under Sections 147/148/149/323/324/504/506/307 of the Indian Penal Code. Heard learned counsel appearing for the petitioners, learned Addl. P.P. for the State as well as learned counsel for opposite party no.2. Learned counsel for the petitioners

submits that the case has falsely been instituted against the petitioners. It is further submitted that though it has been mentioned in the F.I.R. that the petitioner no.1 assaulted Muslim Mian on his head with a Farsha (a sharp cutting weapon) and petitioner no.2 assaulted on the head on Hanif Mian with a sword yet the injury has been described in order dated 16.05.2017 in A.B.P. No.153 of 2017 passed by Principal Sessions Judge, Jamtara as caused by hard and blunt substance and no case is made out against the petitioners. Hence they may be given the privileges of anticipatory bail. Learned Addl. P.P. appearing on behalf of the State on the other hand submitted that there is direct allegation against the petitioners of assaulting on vital part of the body like head with deadly weapon like Farsha and Sword. Hence, keeping in view the serious nature of offence, the petitioners ought not be given the privileges of anticipatory bail. Considering the serious nature of allegation against the two petitioners of causing injury on the vital part of the body like head of the two victims with deadly weapons, I am not inclined to give the privilege of anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners stands rejected. Gunjan/ (Anil Kumar Choudhary, J.) IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 3237 of 2017 Indra Dev Saw @ Indradev Sao .... . Petitioner Versus The State of Jharkhand .... . Opp. Party CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY For the Petitioner : Mr. A. K. Sinha, Advocate For the State : A.P.P. 04/19.06.2017 Apprehending his arrest the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Dhanwar P.S. Case No.21 of 2017 registered under Sections 272/273 of the Indian Penal Code, 1860 and under Section 47 A of the Excise Act. Heard learned counsel appearing for the petitioner as well as learned Addl. P.P. for the State. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle bearing Registration No.JH11N1070 and he was not aware regarding the substance which was being carried in the vehicle. It is further submitted that the driver of the vehicle has been given the privilege of anticipatory bail by a coordinate Bench of this Court in A.B.A. No.2017 of 2017 vide order dated 25.04.2017 with the condition that on the date of surrender, petitioner shall deposit Rs.1,00,000/ (one Lac) in the court below, which shall be subject to the result of the case. Learned Addl. P.P. appearing on behalf of the State opposes the prayer for anticipatory bail of the

petitioner. Considering the submissions of counsels and the aforesaid facts and circumstances of the case, I am inclined to grant privileges of anticipatory bail to the petitioner. Hence, in the event of his arrest or surrender within a period of four weeks from the date of this order, he shall be released on bail on furnishing bail bond of Rs. 10,000/ (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Giridih in connection with Dhanwar P.S. Case No.21 of 2017 (G.R. No.140 of 2017) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, subject to further condition that on the date of surrender, petitioner shall deposit Rs.1,00,000/ (one Lac) in the court below, which shall be subject to the result of the case. Gunjan/ (Anil Kumar Choudhary, J.) IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 3320 of 2017 Amit Kumar .... . Petitioner Versus 1. The State of Jharkhand 2. Khushbu Kumari @ Anjali Kumari .... . Opp. Parties CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY For the Petitioner : Mr. A. K. Chaturvedy, Advocate For the State : A.P.P. 02/19.06.2017 Apprehending his arrest the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Complaint Case No.1280 of 2016 registered under Sections 323/341/498A/406/354/325 of the Indian Penal Code and under Section 3/4 of Dowry Prohibition Act . Heard learned counsel appearing for the petitioner as well as learned Addl. P.P. for the State. Let notice be issued to opposite party no.2. The petitioner is directed to file requisites of notice through both process i.e. under registered cover with A/D as well as through ordinary process within a period of one week, failing which, this anticipatory bail application shall stand dismissed without reference to the Bench. Learned Addl. P.P. appearing on behalf of the State opposes the prayer for anticipatory bail of the petitioner. List this case on 18.07.2017. Considering the submissions of counsels and the fact as discussed, I am inclined to pass an interim order of anticipatory bail to the petitioner provisionally till 18.07.2017. In case of the petitioner being arrested by the police on or before 18.07.2017, he shall be released on bail provisionally on furnishing bail bond of Rs. 10,000/ (Ten thousand) with two sureties of the like amount each to the satisfaction of the officer concerned in connection with Complaint Case No.1280 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. Gunjan/ (Anil Kumar Choudhary, J.)

