

Ankit Raj Vs. The State of Jharkhand

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Court : Jharkhand

Decided On : Aug-21-2017

Appellant : Ankit Raj

Respondent : The State of Jharkhand

Advocate for Pet/Ap. : Mr. Amit Kumar Das

Judgement :

1 B.A. No. 4672 of 2017 IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 4672 of 2017 Ankit Raj, son of Yogendra Saw Petitioner -V e r s u s - The
State of Jharkhand ... Opposite Party CORAM: - HONBLE MR. JUSTICE DR. S.
N. PATHAK For the Petitioner : Mr. Amit Kumar Das, Advocate. Ms. Pooja Kumari,
Advocate. For the State : Mr. Ajit Kumar, Advocate General. Mr. Chanchal Jain,
Advocate. Mr. Rajesh Kumar, APP C.A.V. On 11.08.2017 PRONOUNCED
ON2108.2017 Dr. S.N. Pathak, J.

Heard learned counsel for the parties, perused case diary, criminal antecedents of
the petitioner as well as various orders passed in similar nature of cases in
connection with petitioner and co- accused. Instant bail petition has been filed on
behalf of the petitioner - Ankit Raj in connection with Barkagaon P.S. Case No.
228/2016 [G.R. No. 2736/2016], for the offence under Sections 147, 148, 149,
341, 342, 323, 324, 325, 326, 307, 332, 333, 353, 188, 427, 109, 224, 225, 337,
338, 120(B) of the Indian Penal Code and Section 27 of the Arms Act. This
petitioner happens to be son of Yogendra Sao @ Yogendra Saw (Ex-Minister of

State) and Smt. Nirmala Devi (sitting M.L.A.) and all the three accused had been granted bail by this Court in the instant matter vide order dated 13.12.2016 in B.A. No. 10407 of 2016. However, pursuant to the order passed in Cr. Appeal No. 930/2017 arising out of S.L.P.(Crl.) No. 1552 of 2017, petitioner surrendered before the Court below on 22.05.2017 and after rejection of bail by the trial court, has moved the instant application for bail. Mr. Amit Kumar Das, learned counsel for the petitioner strenuously urged that petitioner is absolutely innocent and has committed no offence. He has been falsely implicated in this case. 2 B.A. No. 4672 of 2017 Learned counsel further submitted that petitioner was not even named in the FIR. He has been made escape goat at the instance of district administration and the political leaders as he happens to be son of local MLA. Learned counsel submitted that petitioner was not even present at the place of occurrence. The only allegation against the petitioner is that the sitting MLA, who happens to be mother of the petitioner, was demanding contract in the name of her son i.e. present petitioner. Learned counsel further submitted that petitioner was arrested on 18.10.2016 in connection with instant case. However, he was released on bail pursuant to the order dated 13.12.2016 passed by this Court in B.A. No. 10407 of 2016. However, since said order dated 13.12.2016 had been set aside vide order dated 08.05.2017, passed in Cr. Appeal No. 930/2017 arising out of S.L.P.(Crl.) No. 1552 of 2017, the petitioner surrendered before the Court below on 22.05.2017 and is cooperating with the trial. Learned counsel further argued that petitioner neither participated in Dharna nor has ever been part of any protest. He is a student and pursuing his education but out of wrath, ill motive and to take political mileage, instant case has been instituted against him to ruin his career. It is further argued that petitioner was neither present at the place of occurrence on alleged date and time of occurrence nor is involved in any manner with the alleged incident and his further detention would ruin his future. On the other hand, Mr. Ajit Kumar, learned Advocate General assisted by Mr. Chanchal Jain and learned APP, has opposed the contention and submitted that petitioner's role cannot be denied in the alleged occurrence as the contract was in his name and all the efforts were made to get the contract in his name bypassing all the terms and conditions and other contractors. 3 B.A. No. 4672 of 2017 Having heard counsel for the parties and considering facts and circumstances, it is apparent that

admittedly neither petitioner was present at the spot nor in any way directly involved in the alleged incident, though it is alleged by the informant that Yogendra Sao (father of the petitioner) and Nirmala Devi (mother of the petitioner) were leading the miscreants to restrain the mining works being done by the NTPC and both the accused tried to enter the mining area in the night of 15/16.09.2016 with their associates, but were stopped by the administration. It has come in the case diary that on 01.10.2016, Nirmala Devi was sitting on Dharna with her supporters and obstructed the route. On seeing the police force, she started abusing and on being asked not to commit such act, she disobeyed the order and instead threatened the Police that if she is arrested then no one will be left alive. When accused Nirmala Devi was arrested and taken into custody and sent through a police van, her supporters at the instigation of Yogendra Sao stopped the police van and forcefully relieved her from custody. Miscreants also assaulted police and administration. The informant and the Circle Officer were brutally assaulted and they received severe injuries. Nirmala Devi was instigating the mob to kill all the police and administration people. To disburse the mob, police used tear gas and also fired some shots. Thereafter, Circle Officer was air lifted to give medical aid at Ranchi. From the facts and circumstances mentioned hereinabove, it is apparent that petitioner has not played any direct role in the alleged incident. He was not even present at the spot on the alleged day, date and time of incident. Petitioner is also not named in the FIR. There is no allegation that he instigated the mob. Except one more case in which petitioner has already been granted bail, he has no criminal antecedent. No overt act has been attributed against the 4 B.A. No. 4672 of 2017 petitioner. Nothing incriminating material has been collected against the petitioner to implicate him with the instant case. Considering aforesaid aspects of the matter, let the petitioner above named be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Smt. Reecha Shrivastava, Judicial Magistrate, 1st Class, Hazaribagh or her successor Court in connection with Barkagaon P.S. Case No. 228/2016 [G.R. No. 2736/2016] with a condition that he will attend the Court on each and every date during trial. RC/ (Dr. S. N. Pathak, J.)