

Ram Jatan Sahu vs The State Of Jharkhand on 3 March, 2014

Author: Amitav K. Gupta

Bench: Amitav K. Gupta

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 4061 of 2013

1. Ram Prasad Sao @ Ram Prasad Sahu
2. Asaraf Ansari @ Ashraf Ansair ... Petitioners
Versus

1. The State of Jharkhand
2. Mahesh Prasad Sahu Opposite Parties

CORAM : HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioners : Mr. Sarju Prasad, Advocate.
For the State : A. P. P.

04/03.03.2014

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are accused in a case registered under Sections 420, 48, 469, 471, 454, 447, 323 and 379 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated on account of land disputes between them; that informant has not made allegations of any overt-act against the petitioners. It is submitted by learned counsel for the petitioners that other co-accused have been granted bail in A.B.A No.1024 of 2013 and A.B.A No.1791 of 2013 and the case of the petitioners stands on similar footing.

Learned counsel appearing for the State has not controverted the submission of learned counsel for the petitioners.

Regard being had to the fact that there is land dispute between the parties and the other co-accused on similar allegations have been granted bail in this case, the petitioners, named above, are directed to surrender in the court below within a period of two weeks from the date of this order and in the event of their surrender or arrest, they shall be enlarged on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ranchi in complainant case No.857 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Amitav K. Gupta, J.) RKM IN THE HIGH COURT OF JHARKHAND AT RANCHI

1. Nawrang Prajapati
2. Binod Prajapati
3. Panna Devi
4. Kishmatiya Devi
5. Bifan Prajapati
6. Malawa Devi @ Malati Devi
7. Anita Devi
8. Birju Prajapati
9. Harikesh Prajapati @ Hiresh Prajapati @ Hiresh Kumar
10. Upendra Prajapati
11. Unil Prajapati ... Petitioners Versus The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioners : Mr. Anil Kumar, Advocate.

For the State : A. P. P.

04/03.03.2014 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are accused in a case registered under Sections 147, 148, 149, 341, 323, 452, 387, 504 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated on account of land dispute; that earlier wife of petitioner no. 2 had filed a complaint case on 9.8.2012 (Annexure 3) against the informant and witnesses of the present case; that the occurrence took place on 10.1.2013 at 2.P.M. to 12.1.2013 whereas the present case has been lodged after a delay of 11 days; that there is a proceeding going between the parties under Section 107 and 144 Cr. P.C. in

respect of the land dispute, which is annexed as Annexure-4 series.

Learned counsel appearing for the State has opposed the prayer for bail and submitted that these petitioners had demanded Rs. 500,000/- as extortion money and they had chased the informant and even had fired with firearms.

Considering the fact that there is land dispute and there is delay in filing of the present case and earlier a complaint case was filed against the informant by the wife of the petitioner no.2, the petitioners, named above, are directed to surrender in the court below within a period of two weeks from the date of this order and in the event of their surrender or arrest, they shall be enlarged on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ranchi in complainant case No.857 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Amitav K. Gupta, J.) RKM IN THE HIGH COURT OF JHARKHAND AT RANCHI

Ram Jatan Sahu

... Petitioner.

Versus

The State of Jharkhand

.... Opposite Party.

CORAM : HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner : Mr. K. S. Nanda, Advocate.

For the State : A. P. P.

04/03.03.2014 Call for the case diary from the Court concerned in connection with Gumla P.S. Case No.119 of 2013 corresponding G.R. No.311 of 2013 and put up this case after receipt of the same on 14.3.2014.

(Amitav K. Gupta, J.) RKM IN THE HIGH COURT OF JHARKHAND AT RANCHI

Gurupado Kumbhakar & ors. ... Petitioners.

Versus The State of Jharkhand Opposite Party.

CORAM : HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioners : Mr. A. K. Singh, Advocate.

For the State : A. P. P.

05/03.03.2014 Call for the injury report of Parwat Kubhakar S/o Nisha Devi, if the same has been filed in the court below.

Put up this case on 14.3.2014.

(Amitav K. Gupta, J.) RKM IN THE HIGH COURT OF JHARKHAND AT RANCHI

1. Krishna Prajapati
2. Sita Devi
3. Sushil Prajapati ... Petitioners.

Versus

1. The State of Jharkhand
2. Survi Devi Opposite Parties.

CORAM : HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioners : Mr. J. P. Sinha, Advocate.

For the State : A. P. P.

4/03.03.2014 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are accused in a case registered under Sections 341/323/498-A/354/34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Learned counsel for the petitioners has submitted that the petitioners are father-in-law, mother-in-law and brother-in-law of the complainant; that they have no concern with the marital life of complainant and husband; that they are residing separately as per Annexure-2 series; that there is no specific allegation against these petitioners.

Learned counsel for the petitioner has submitted that on similar footing, co-accused has been granted bail vide order dated 25.07.2013 in A.B.A No.2390 of 2013 by Bench of this Court.

Learned counsel appearing for the State has not controverted the submission of learned counsel for the petitioners.

Considering the facts of the case, the petitioners, named above, are directed to surrender in the court below within a period of two weeks from the date of this order and in the event of their surrender or arrest, they shall be enlarged on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Hazaribagh in connection with Mahila P.S. Case No.40/2012 (Sadar,Hazaribagh) (G.R.NO.4611 of 2012) subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Amitav K. Gupta, J.) RKM IN THE HIGH COURT OF JHARKHAND AT RANCHI

1. Raj Mohan Tiwari
2. Malti Devi ... Petitioners.

Versus

1. The State of Jharkhand
2. Simpi Devi @ Nitu Opposite Parties.

CORAM : HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioners : Mr. Atanu Banerjee, Advocate.

For the State : A. P. P.
For the Complainant : Mr. Bhawesh Kumar, Advocate

05/03.03.2014 Heard learned counsel for the petitioners and learned counsel for the State as well as learned counsel for the complainant.

The petitioners are accused in a case registered under Sections 498A/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the petitioners want to settle the dispute with the complainant and there is no specific allegation of torture or cruelty against them.

Learned counsel for the complainant has submitted that these petitioners have instigated the husband as the complainant could not bear any child out of their wedlock and also submitted that the complainant is ready for conciliation/mediation, if the petitioners are ready and willing to keep the complainant with proper care and affection.

Considering the fact that the complainant is willing to reside in her matrimonial home the parties are directed to appear before the conciliator/mediator at the Mediation Centre, Tenughat on 25.3.2014.

The conciliator/mediator shall take up the conciliation proceedings in two or three sittings, if necessary and, shall submit his report before this Court on or before 09.04.2014.

Put up this case on 09.04.2014.

In the meantime interim order dated 07.02.2014 shall continue till next date.

Let a copy of this order be communicated through FAX at the cost of the petitioners.

(Amitav K. Gupta, J.) RKM IN THE HIGH COURT OF JHARKHAND AT RANCHI

Pritam Mahto		... Petitioner.
	Versus	
The State of Jharkhand	 Opposite Party.

CORAM	: HON'BLE MR. JUSTICE AMITAV K. GUPTA	

For the Petitioner	: Mr. N. K. Pandey, Advocate.	
For the State	: A. P. P.	

09/03.03.2014 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is an accused in a case registered under Sections 435/436 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated out of village politics. It is evident from the FIR that there is only allegation against him that he had took tea and snacks and when the informant asked him to pay there took place exchange of hot words whereupon he threatened the informant with dire consequences; that the informant was sleeping at his shop whereas the arson had taken place in the parental house the informant as such it was not be possible that he could have seen the petitioner as the person who had not fire to his house.

Learned counsel for the State has opposed the prayer for bail and submitted that independent witness, in para-8, has stated that petitioner had set fire and he was chased but had fled away taking advantage of the darkness of the night; that the petitioner has been evading arrest for the past 4 to 5 years.

On going through the record, it is evident in the present case that the occurrence took place on 24.12.2008 whereas the FIR has been lodged on 4.1.2009 though independent witness had seen and chased the petitioner; the petitioner has been evading arrest. As such, I do not find it a fit case to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

Petitioner is directed to surrender in the court below, in connection with Gomia P.S. Case No.1 of 2009, corresponding to G.R. No.13 of 2009, pending in the Court of learned Judicial Magistrate Ist Class, Bermo, and pray for regular bail and the Court below shall pass necessary order on the same day without being prejudiced by this order.

(Amitav K. Gupta, J.) RKM