IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B.A. No. 4055 of 2022

Murlidhar Mahto Petitioner

Versus

The State of IharkhandOpposite Party

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. S.P. Roy, Advocate For the State : Mr. Manoj Kumar, Addl.P.P

For the Informant : Mr. Pankaj Kumar Choudhary, Advocate

Order No.04 Dated- 07.09.2022

Heard learned counsel for the parties.

Apprehending his arrest in connection with Lalmatia P.S. Case No. 04 of 2022 instituted under Sections 341, 401, 420, 467, 468, 471/34 of the Indian Penal Code, the petitioner has moved this Court for grant of privilege of anticipatory bail.

As per the prosecution case the informant was issueless and lived with his wife Marangamay Tudu. His land had been acquired by ECL under Lalmatia colliery and a compensation is Rs.60,82,758 was deposited in his UCO Bank account. It is alleged that the informant was abducted by some unknown persons and his signature was obtained on different papers and the money was withdrawn from his account. When all the money of the informant was withdrawn Lalmatia P.S Case no. 52/2020 was lodged. In this case the accused persons managed to get bail on the basis of a forged compromise petition dated 19.6.2021. On getting this information, the informant filed a complaint petition on the basis of which Lalmatia PS case no. 4/2022 has been registered against this petitioner and other co-accused persons for the same offence.

It is submitted by learned counsel for the petitioner that the petitioner is the Clerk of Land Compensation Department, ECL, Lalmatia and he was not named in the earlier FIR Lalmatia PS case No.52/2020 and there was no direct allegation against him that he has not received any amount or withdrawn any sum from the account of the informant. There is no monetary transaction to show that the petitioner was involved in the withdrawal of the amount from the account of the informant. He was granted anticipatory bail in that case (ABA no.8475 of 2021) on the ground that he had not received any amount from the informant's account. It is also submitted that the second FIR on the same facts is barred under law. The proper remedy to

the informant is to move the Court wherein such a compromise petition was filed and not to institute another case on the same set of facts.

The Addl. P.P. opposed the prayer for bail.

Considering the submissions of learned counsel and the fact as discussed above, the anticipatory bail application is allowed. Hence, in the event of his arrest or surrender within a period of four weeks from the date of this order, the petitioner named above shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, subject to the conditions laid down under section 438 (2) Cr. P.C.

The petitioner will cooperate in the investigation and will appear on notice under Section 41A of Cr. P.C. and comply with the condition as laid down under Section 438(2) of the Cr. P.C.

(Pradeep Kumar Srivastava, J.)

Sateyndra/Pappu