

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
A.B.A. No. 5587 of 2023

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1. Md. Habibullah Ansari					
2. Zakir Hussain	....	....	....	Petitioners	
Versus					
The State of Jharkhand	....	....	....	Opposite Party	

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**Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

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For the Petitioners	: Mr. Kripa Shankar Nanda, Advocate
For the State	: Mr. Naveen Kr. Gaunjhu, Addl.P.P
For the Informant	: Mr. Asif Khan, Advocate

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**Order No. 03 Dated- 01.08.2023**

Heard learned counsel for the parties.

Apprehending their arrest in connection with Pithoria P.S. Case No. 01 of 2023 instituted under Sections 341/385/379/506/34 of the Indian Penal Code, the petitioners have moved this Court for grant of privilege of anticipatory bail.

As per F.I.R. allegation against the petitioners is that when the informant was constructing the house over the land in question. The petitioners with a view to grab the land of the informant came there along with 40-50 persons and started brick batting upon the informant side and demanded Rs. 10 lakh as extortion and they also snatched Rs. 25,000/- from the pocket of Md. Madassar Nazar which was kept for labour payment.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have committed no offence at all rather they have been falsely implicated in this case. It is further submitted that the land in question acquired through Hukumnama and they are having rent receipt of that period and later on they are having rent receipt of the Circle Officer since then they are in physical possession over the land in question. It is further submitted that except Section 379 IPC other Sections are bailable in nature and the petitioners have no criminal antecedent. It is further submitted that petitioners undertake to co-operate with the investigation of the case and will not indulge in tampering with prosecution evidence and will abide by all terms and conditions imposed by this Court in the matter of granting anticipatory bail. Hence, it is submitted that the petitioners may be extended the privilege of anticipatory bail.

Learned Addl.P.P appearing for the State assisted by the learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

Admittedly, there is land dispute between the parties according to the informant land belongs to him and the petitioners have also claimed over the same land. There is general and omnibus allegation about the commission of the theft and demand of extortion money. Earlier proceedings under Section 144 CrPC was also started in respect to the said land in this case. It further appears that the petitioners have no criminal antecedent.

Considering the facts and circumstances of this case, the nature of allegation against petitioners coupled with materials available on record and no criminal background of the petitioners, I am inclined to extend privilege of anticipatory bail to the petitioners. Accordingly, the petitioners are directed to surrender before the Court below within four weeks from today and in the event of their arrest or surrendering, they will be enlarged on bail on furnishing bail bond of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned JM, Ranchi in connection with Pithoria P.S. Case No. 01 of 2023 **with the condition that they will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish their mobile numbers and photocopy of the Aadhar Cards with an undertaking that they will not change their mobile numbers during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.**

**(Pradeep Kumar Srivastava, J.)**

Umesh/-