| | Date of order of proceeding | 0 | | |
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| 1 | | In the Court of Sessions Judge, Giridih Anticipatory Bail Petition No. 1631 of 2024 (C.N.R. No. JHGR01-006163-2024) Balram Kumar @ Balram Saw, aged about 18 years, s/o Indradeo Natraj Resident of village-Gorhand, P.S. Dhanwar, Distt. Giridih Petitioner Vs. State of Jharkhand | | |
| | | Present : Arvind Kumar Pandey Sessions Judge, Civil Courts, Giridih. | | |
| | 11.12.2024 | Anticipatory bail petition being No. 1631/2024 dated 05/09/2024 was filed on behalf of accused/petitioner, namely, Balram Kumar @ Balram Saw , who is apprehending his arrest in connection with Dhanwar P.S. Case No. 91/2024, registered U/Ss 147,148,511,353/153(a)/149 of I.P.C. has been pressed and moved today, which is pending before the Court of Sri Mahboob Alam, learned J.M. Ist Class, Giridih. Copy of the same has already been served to the Ld. P.P. I/C for the State. The criminal law was set into motion on the basis of written report of Raghunath Soren, A.S.I. of Dhanwar Police Station, Distt. Giridih to this effect that on 17.04.2024, he was deputed for maintaining law and order on the occasion of Ram Navami Festival. At about 6:30 P.M. in the evening, a procession of Ram Navami by Akhada Samittee of Gorhand Beech Tola, came out, in which D.J. Sound was playing and it was established on a pickup van having no. JH12J 7552. 30-40 persons were following the alleged vehicle and when the procession reached at Dargah Tola, a rumor was spreaded by the members of procession that Muslim community had pelted stones upon the procession. Saying so, some young members of procession started to throw bricks upon the Dargah. He informed the matter through mobile to Officer-in- Charge of Dhanwar Police Station and he tried to pacify the matter but in the meantime, some persons started scuffling with Police officials and some persons pushed him and threw stones and bricks upon the houses. The informant has further stated that he could not identify the miscreants but Sujit Kumar Singh, S.I. of Police made a video of the occurrence and Balram Sao, Suraj Rana and | | |

<u>Contd.....</u> 11.12.2024 Jitendra Yadav were identified.

The learned counsel appearing on behalf of accused-petitioner has submitted that petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. It has been further submitted that the petitioner could not be identified by any police officials engaged in maintaining law and order. The allegation of the informant that the petitioner alongwith others threw brick and stones upon the houses and Dargah, is totally false and fabricated because there is no seizure list on the record to show that brick and stones were recovered from the place of occurrence. The prosecution did not produce video alleged by him in the F.I.R. Apart from it, it has been submitted that the petitioner is made accused in this case on the basis of suspicion only and after thought because the occurrence had taken place on 17.04.2024 in the evening but the F.I.R. was lodged on 18.04.2024, while the informant is one of the police officer of Dhanwar Police Station. The petitioner is a young person and he has no concern with the alleged offence. It is also contended that having regard to the facts and circumstances of this case, the petitioner may be favoured with an order of an anticipatory bail.

On the other hand, learned P.P. I/C for the state has opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner being the member of procession, tried to spread communal riot in between two communities and in the meantime, he obstructed the police officials, who were engaged in maintaining law and order. Apart from it, it has been submitted that the petitioner had actively involved in this offence. In this situation, the petitioner should not be entitled for anticipatory bail.

Heard learned counsel for the parties and perused the case record including case diary. The informant, who was engaged in maintaining law and order on the occasion of Ram Navami Festival, claimed that the footage of the occurrence was captured through mobile by Sujit Kumar Singh, S.I. of police, in this regard I perused paragraph 50 of the case diary and found that in course of investigation, the I.O. of the case, approached before Sujit Kumar, S.I. of Dhanwar Police Station and demanded the video footage but Sujit Kumar replied that the video footage had deleted due to technical fault from his mobile. Thus, the version of the informant that the petitioner was identified through video footage, snapped by Sujit Kumar, who engaged in maintaining law and order, is prima-facie not sustainable. Further I find that prima-facie, it appears that the petitioner made accused in this case on the basis of suspicion. Further find that the occurrence had taken place on 17.04.2024 in the evening time but the F.I.R. was lodged on 18.04.2024 at about 8:20 A.M., while the informant is a Contd......police official of Dhanwar Police Station. There is no seizure list on the record
to show that the pieces of stones were seized and recovered by the I.O. on the
spot. I further find that the petitioner has no criminal antecedent. A reading of
Section 353 of the I.P.C. the essential ingredients of offence are that " the person
accused of the offence should have assaulted the public servant or used criminal
force with the intention to prevent or deter the public servant from discharging
his duty, as such public servant". By perusing the materials available on the
record, it appears that no force was used by the petitioner to commit such an
offence because there is no injury report on the record to show that any police
officials received injuries on their bodies.

After having considered the rival submissions advanced on behalf of both the sides, I arrived at the conclusion that it is a fit case for grant of anticipatory bail of the petitioner noted above. Thus, the above cited anticipatory bail petition of the petitioner, is hereby allowed.

Under the circumstances, in the event of arrest or surrender within four weeks from today, the petitioner, namely, **Balram Kumar @ Balram Saw**, shall be released on bail, on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand) with two sureties of like amount each to the satisfaction of the Trial Court subject to the conditions as laid down U/S 438(2) of Cr.P.C.

(Dictated)

-Sd/- A.K.Pandey-

(Arvind Kumar Pandey) Sessions Judge Giridih I.D No. JH0392

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