

In the court of Sessions Judge, Latehar

Anticipatory Bail petition No. 201/2024

CNR No. JHLT01001408-2024

Shiva Oraon @ Shiba Oraon

and 04 other

.....

Petitioners.

Versus

State of Jharkhand.....

.....

Opposite party.

O R D E R

Present : Sri Vanbari Prasad, Ld. Counsel for the petitioners and learned P.P.I/c Sri A.K.Das for the State.

31.08.2024 This anticipatory bail petition has been filed on behalf of the accused/petitioners **1. Shiva Oraon @ Shiba Oraon, 2. Suka Oraon, 3. Suresh Oraon, 4. Indradeo Ganjhu and 5. Sandeep Lohra**, who are apprehending their arrest in connection with Bariyatu P.S. case No. 42/2024, registered u/s 341, 342, 323, 307 and 379/34 of the I.P.C, pending in the court of Smt. Swati Vijay Upadhyay, J.M.1st Class, Latehar.

Heard the learned counsel for the accused/petitioners and the learned P.P.I/c for the State.

Learned counsel for the accused/petitioners has submitted that the petitioners are innocent and have not committed any offence. They have been falsely implicated in this case. It was submitted that there was simple altercation and scuffle between the parties on trivial dispute, in which both sides have received simple injury, but they have been wrongly dragged in this case due to village politics. The

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entire allegations as alleged against the petitioners are totally false, fabricate and concocted one. There is no direct or indirect evidence against the petitioners. All the sections as levelled are bailable in nature except section 307 and 379 of the I.P.C which are not at all attracted against the petitioners in the present facts and material available in the case diary. The petitioners are simple villagers having no criminal antecedents. They are ready to co-operate with the investigation and also ready to furnish the sufficient sureties, so they may be granted anticipatory bail.

On the other hand, learned P.P.I/c appearing on behalf of the State has opposed the prayer of the petitioners.

Heard and perused the case records as well as the case diary. It appears that this case has been registered on the basis of written report of the informant, Late Oraon, alleging therein that on 13.06.2024 at around 06.00 hours in the evening, when his son Bineshar Oraon went to his Bhagini Sharda Kumari to bring mobile and as soon as he reached the house Sharda Kumari, her uncle Shiva Oraon forcibly took his son inside the room and locked from outside and calling ten people and his son was tied with rope and assaulted with Lathi-Danda by the accused/petitioners and 05 other persons were also involved in it. It is alleged that they also snatched the mobile of his

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son. On getting information, when he reached the village Ronhe at about 08.30 hours in the night and saw that his son and Bhagini both were lying in unconscious condition due assault made by the above persons, thereafter, both were brought to C.H.C, Balumath for treatment from where both were referred to RIMS, Ranchi, but seeing serious condition, injured was admitted in Pars hospital, Bagra where during treatment he regained sense in the morning at about 10.00 hours on 14.06.2024. It was prayed to taken appropriate legal action in this regard. Hence, the case is.

Perused the case diary, it appears that the informant in his restatement at para 02 and other witnesses examined at para 05, 06, 07, 08,09, 22 of the case diary have supported the case of the prosecution. Para 31 and injury report attached with the case diary reveals that the injured Sharda Kumari had sustained (I) bruise injury on right thigh size 4'' x 1'' and 2. Bruise on left thigh size 4'' x 1'', which are simple in nature caused by hard and blunt weapon. Injured Dineshwar Oraon had sustained injury on (bruises back of both thigh 4'' x 1'', Abrasion front of chest left side 4'' x 1'' and swelling left elbow 2'' x 2'', which are simple in nature caused by hard and blunt weapon. Para 50 of the case diary reveals that the petitioners have got no criminal antecedents. It appears that allegation as alleged against the petitioners appears to be general and omnibus in

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nature and the injuries as found on the persons of the victim/injured are simple in nature and are not on vital part.

Considering the above facts and circumstances of the case, nature of the allegation and injuries which are simple in nature, I am inclined to grant anticipatory bail to the accused/petitioners **1. Shiva Oraon@ Shiba Oraon, 2. Suka Oraon, 3. Suresh Oraon, 4. Indradeo Ganjhu and 5. Sandeep Lohra.** Hence, in the event of their surrender or arrest within 21 (twenty one) days from the date of this order, they shall be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below with condition that one of the bailor shall be close relative of the accused/petitioners. The petitioners are directed to file their mobile number which are used by them presently and the same will not change till disposal of the case and they shall co-operate the I.O. of this case in investigation, subject to the conditions as laid down u/s 438(2) of the Cr.P.C. Accordingly, this anticipatory bail petition is hereby allowed.

(Dictated)

Sd/-

(Manoj Kumar Singh)

ID No.JH0396

Sessions Judge,

Latehar.