

In the Court of Vishwa Nath Shukla, Sessions Judge, West Singhbhum at Chaibasa
Anticipatory Bail Petition No.426/2022
(CNR-JHCB010039872022)

Ujjwal Mistry @ Rup Kumar Mistry Vs. State of Jharkhand

Schedule XLII – High Court (J) 9a [Old (M) 164]

Serial No.	Date of order of proceeding	Order with the signature of the Court	Office action taken with date
5.	03.01.2023	Mr. R. Singh, Ld. Counsel for the accused petitioner namely, Ujjwal Mistry @ Rup Kumar Mistry, who is apprehending his arrest in connection with Chakradharpur P.S. Case No.137/22, u/s 341, 323, 307 read with Section 34 of IPC, pending in the Court of Ld. S.D.J.M. (Porahat) at Chaibasa, pressed the petition filed u/s 438 of Cr.P.C. and prayed to allow him on anticipatory bail. It is submitted by the Ld. Counsel for the accused petitioner that, he is absolutely innocent and has been falsely implicated in this case. Nothing has been seized from the person or possession of the petitioner. The petitioner was not present at the place of occurrence. There is no specific allegation against the petitioner. Further submitted that informant is in habit of drinking wine and he has fell down on his own and sustained injury. Petitioner is illegally apprehended and implicated in this case, although he is innocent. Further submitted that both the parties have compromised this case and a joint compromise petition has also been filed. Petitioner is resident within the jurisdiction of the Court and there is no chance of his absconding or tampering with the	

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	Contd...1. 03.01.2023	evidence. He is ready and willing to furnish good and sufficient amount of sureties to satisfaction of the Court and also ready to abide all terms and conditions as laid down u/s 438 (2) of Cr.P.C. Ld. P.P. in-charge for the prosecution has vehemently opposed the prayer for anticipatory bail of the accused petitioner. Heard both parties and perused the record thereafter I find that in brief case of the the prosecution is that, on 29.11.22 at about 9:45 p.m. informant namely, Krishna Sao was went to purchase water bottle and glass from a beetal shop situated at Rajbari Road where some quarrel took place with the shopkeeper namely, Kamal Mistry regarding price of the articles in the mean time co-accused namely, Ujjwal Mistry and the accused petitioner attacked upon his head with a broken glass of bottle resulted he sustained severe injuries upon his head and fell down. He was removed to Sub-Divisional Hospital, Chakradharpur by one namely, Kanhaiya Sharma in his motorcycle therefore, he could not lodge FIR on same day and the FIR was lodged on 01.12.22 on the basis of written report of the injured / informant. Confessional	

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	Contd...2. 03.01.2023	statement of the co-accused namely, Raj Kumar Mistry has been recorded by the I.O. on separate sheet which is available on record, he disclosed involvement of the accused petitioner in the occurrence. As per injury report of the injured following injuries has been found upon his person - 1. Lacerated wound on forehead, size about 1” x 0.5” x 0.5” 2. Patient slightly disoriented 3. Abrasion on left side of neck, size about ¼” x ¼” 4. Pain in whole body. Patient was suggested for C.T. Scan of head and X-ray. Opinion was reserved. As per C.T. Scan Report found - “CT brain reveals mild scalp soft tissue <i>hematoma</i> in the right parietal region.” Further, as per statement of witnesses recorded by the I.O. in para 3, 7, 8, 9, 10 of the case diary, they all have corroborated the facts of occurrence against the accused petitioner. Facts of the injuries has been recorded in para 23 of the case diary and investigation of the case is still pending.	

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	Contd...3. 03.01.2023	Considering all these facts and circumstances of the case, direct involvement of the accused petitioner committing the alleged offence, I am not inclined to enlarge the accused petitioner on anticipatory bail, the same is hereby rejected. Let the copy of this order be sent to the Court below. (Dictated) (Vishwa Nath Shulka) Sessions Judge ID Code JH 00393	