[2025:JHHC:10970]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A No.2245 of 2025

Pradeep Kumar Thakur @ Pradeep Thakur, aged about 28 years, son of Nageshwar Thakur, resident of Village-Berokala, P.O. + P.S.-Barkatha, Dist.-Hazaribagh

.... …. Petitioner

Versus

The State of Jharkhand .... Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Anil Kumar Sinha, Advocate
For the State : Mr. Santosh Kumar Shukla, Addl. P.P
For the Informant : Mr. Sanjay Kumar, Advocate
Mr. Lalan Kr. Singh, Advocate

Order No.02 Dated- 09-04-2025

Heard the parties.

Apprehending his arrest, the petitioner has moved this Court for grant of privileges of anticipatory bail in connection with Barkatha P.S. Case No.146 of 2024 registered under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 76, 303(2), 351(2) (3) of the B.N.S., 2023.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner with the co-accused persons were member of an unlawful assembly and in prosecution of common object of the assembly forcefully took the informant-victim from her house for committing rape upon her and on hue and cry raised by her, when the Gotni of the victim reached there, she was also assaulted by the petitioner along with co-accused persons and gold chain of Gotni of the informant was snatched away. It is next submitted that petitioner and co-accused persons subsequently assaulted on the head of the informant/victim with axe causing injury on her head and further hue and cry being raised by the victim, police reached the place of occurrence and took the victim/informant to Barkatha community health center; from which she was referred to the Medical College and Hospital at Hazaribagh. It is further submitted that the genesis of the occurrence is land dispute between the parties and for the selfsame occurrence from the side of the

petitioner, the family members of the petitioners have lodged Barkatha P.S. No.147 of 2024. It is next submitted that informant/victim is a neighbour of the petitioner and because of previous enmity this false case has been foisted. It is further submitted that injury sustained by the victim in simple in nature. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned Addl.P.P. appearing for the State being assisted by the learned counsel for the informant/victim vehemently oppose the prayer for grant of anticipatory bail of the petitioner and submit that keeping in view the heinous nature of offence committed by the petitioner of taking the lady informant-victim, from her house, with the co-accused persons to commit rape upon her and when she resisted the same, assaulted her with an axe causing injuries on her head as well as his criminal antecedents, the petitioner does not deserve the privilege of anticipatory bail. It is then submitted that custodial interrogation of the petitioner is required during the investigation of the case for recovery of the weapons of offence and to find out the details of the case. It is next submitted that the anticipatory bail application of the co-accused with similar allegations has already been rejected by this court vide order dated 03.03.2025 passed in ABA no. 1383 of 2025. It is therefore submitted that the petitioner ought not to be given the privilege of anticipatory bail.

Considering the serious nature of allegation against the petitioner, requirement of his custodial interrogation during the investigation of the case as well as the criminal antecedent of the petitioner, this Court is of the considered view that this is not a fit case where the petitioner be given the privileges of anticipatory bail. Accordingly, the prayer for grant of privilege of anticipatory bail of the petitioner is rejected.

(Anil Kumar Choudhary, J.)

Rohit/