

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 2012 of 2017

1. Mithilesh Kr. Pandey

2. Mrinal Manish

... .. Petitioners

Versus

1. The State of Jharkhand

2. Shashikant Shekhar

... .. Opposite Parties

CORAM: HON'BLE MR. JUSTICE NAVNEET KUMAR

For the Petitioners

: Mr. Akhouri Avinash Kumar, Advocate

For the State

: Mr. Satish Prasad, A.P.P.

Order No. 07 / Dated: 2nd December, 2022

I.A. No. 5702 of 2022 & I.A. No. 8978 of 2017

Learned counsel for the petitioners and learned counsel for the state as also learned counsel for opposite party No. 2, are present.

Learned counsel appearing on behalf of opposite party No. 2 has placed reliance on the report of the officer in-charge of Sector-4 Police Station, Bokaro which are Annexures-A & B of their counter affidavit filed on behalf of opposite party.

Learned A.P.P. is directed to file the counter-affidavit, particularly with respect to the report submitted by the officer in-charge of Sector-4 Police Station, Bokaro in detail.

Learned counsel appearing on behalf of the petitioners submitted that one Interlocutory Application being I.A. No. 5702 of 2022 has been filed on behalf of the petitioners that the interim relief granted to the petitioners by order dated 08.08.2017 has been vacated and the summon has been issued against the petitioners in the light of the judgment passed by the Hon'ble Supreme Court in the case of *Asian Resurfacing of Road Agency Private Ltd. & Another Versus C.B.I.* reported in (2018) 16 SCC 299.

It has further been pointed out that basically it is a dispute between the landlord and the tenant and no criminal offence as such is made out and therefore, it is urged on behalf of the petitioner that the interim relief granted to the petitioners may be extended.

On the other hand the learned counsel appearing on behalf of opposite party No. 2 has opposed the contention stating that from the report received from the officer in-charge of Sector-4 Police Station, Bokaro, it appears that the petitioners are directly involved in the commission of the offence *inter alia* and the said report has been annexed in the counter-affidavit filed on behalf of opposite party No. 2, which was called for by the Additional District & Sessions Judge-II, Bokaro at the time of hearing of the Anticipatory Bail Application being A.B.A. No. 596 of 2016.

Having taken into consideration the claims and counter-claims of the parties, I think it is just and fair to grant the interim relief to the petitioners that no coercive steps shall be taken against the petitioners till the next date, subject to the condition that both the petitioners shall cooperate in the criminal proceeding pending in the Court below, failing which appropriate orders shall be passed.

In above view of the matter, the pending Interlocutory Application being I.A. No. 5702 of 2022 stands allowed and consequently the pending Interlocutory Application being I.A. No. 8978 of 2017 also gets disposed of, accordingly.

Put up this case on 28.01.2023.

Learned counsel appearing on behalf of the petitioners is directed to serve a copy to the learned A.P.P. for assisting the Court.

J.Minj

(Navneet Kumar, J.)