

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 2890 of 2025

1. Bhola Kharia, S/o Chama Kharia, R/o Village- Goilkera, P.O. & P.S.- Bharno, District- Gumla (Jharkhand).
2. Samir Indwar @ Samir Kharia, S/o Mangra Kharia R/o Village- Goilkera, P.O. & P.S.- Bharno, District- Gumla (Jharkhand).

.... **Petitioner(s)**

Versus

The State of Jharkhand

... **Opp. Party(s).**

CORAM : SRI ANANDA SEN, J

For the Petitioner(s)	: Mr. Kripa Shankar Nanda, Advocate
For the State	: Mr. Rakesh Ranjan, A.P.P.
For the Informant	: Mr. Aman Kumar, Advocate

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04/ 11.07.2025: Heard, learned counsel for the petitioners and learned counsel for the State.

2. This anticipatory bail application under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioners apprehending their arrest in connection with Karanj P.S. Case No. 04/2025, for offences under Sections 126(2), 115(2), 103(1), 303(2), 3(5) of Bharatiya Nyaya Sanhita (BNS) 2023. The case is presently pending before the Learned Court of Judicial Magistrate 1st Class, Gumla.

3. The prosecution case is based on the fardbeyan of Anima Kumari in which she said that her 14-year-old brother, Ganga Oraon, went out on 24/03/2025 with his friends Bishun Oraon and Sukhdeo Oraon to hunt birds but did not return home. The next day, the informant was informed that her brother had drowned in a well in Goilkera and died. On query, a person named Akash Kharia told her that Ganga Oroan and Sukhdeo Oraon had gone to meet their friends Sita Kumari and Aarti Kumari, where two boys, Samir Kharia and Bhola Kharia, started beating them. Later, Sukhdeo Oraon told her that while he and Ganga Oraon were meeting the girls, two boys attacked them, took their mobile phone, and they both ran in different directions. After that, Ganga Oraon went

missing. The informant suspects that Samir Kharia and Bhola Kharia might have killed her brother.

4. Learned counsel for the petitioners submits that the petitioners are completely innocent and have been falsely implicated in this case. He further submits they have been implicated only on the basis of hearsay evidence as the informant is not an eye witness to the occurrence. He further submits that both the accused persons are of tender age and have no enmity with informant or her brother. He also submits that the petitioners have no criminal antecedent. He further submits that, the deceased accidentally fell into a well, which the petitioners were unaware of.

5. The learned APP appearing for the state has opposed the prayer for anticipatory bail. He submits that the petitioners are not entitled to the privilege of anticipatory bail. He further submits that the petitioners are named in the FIR and as per allegation petitioners were seen assaulting the deceased soon before death of the deceased. He further stated that from the statements of witnesses in the case diary it is evident that petitioners were involved in causing death of the deceased. Witnesses, including Sita Kumari, stated that the petitioners were last seen with the deceased.

6. After hearing the parties and considering the facts and circumstances of the case, including the petitioners tender age and clean antecedents, I find that prosecution case is primarily based on circumstantial and hearsay evidence. There is no conclusive evidence on record directly linking the petitioners to the cause of death. Further from the statement of Priyanka Kumari and Ramkishore Munda recorded in the case-diary at paragraph nos. 8 and 21, I find that they saw the deceased alive in the well whom they tried to rescue by throwing rope but failed and he drowned in the well and died.

7. Considering the above facts and circumstances and the nature of the accusations, I am inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Anticipatory Bail Application stands **allowed**. The petitioners, above named, are directed to surrender before the learned court below and on the event of their surrender or arrest, they shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each, to the satisfaction of Learned Judicial Magistrate 1st Class, Gumla, in connection with Karanj P.S. Case No. 04/2025, subject to the condition that one of the bailers should be a close relative of the petitioners and other should be a resident of State of Jharkhand, having sufficient landed property in his/her name or in the name of his/her ancestors in which he/she is having share and to that effect, he/she has to file an affidavit before the Trial Court indicating his/her share in the property.

(ANANDA SEN, J.)

Tanuj/-