

IN THE HIGH COURT OF JHARKHAND, RANCHI
A.B.A. No. 5333 of 2025

Rahul Swarnkar, son of Hiralal Swarnkar, aged about 30 years,
resident of Village-Madhukarpur, PO Chandipur, PS-Kasmar, District-
Bokaro Petitioner

-- **Versus** --

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Rahul Ranjan, Advocate
For the State :- Mr. Mohua Palit, Advocate
For the Informant :- Mr. Dilip Kumar Jaiswal, Advocate

3/13.11.2025 Heard learned counsels for petitioner, State and informant.

2. The petitioner is apprehending his arrest in connection with Kasmar P.S. Case No.39 of 2025, for offence registered under section 126, 115(2), 109, 103, 3(5) of BNS, 2023, pending in court of learned J.M.F.C., Bermo at Tenughat.

3. Learned counsel for the petitioner submits that the petitioner is 30 years old and he has been falsely implicated in this case. He further submits that the petitioner was not present at the spot and he has not taken part in the occurrence as alleged in the F.I.R. He also submits that the petitioner has not touched the body of the deceased. He then submits that there is case and counter case between the parties and the petitioner has lodged an F.I.R. being Kasmar P.S. Case No.38 of 2025 registered under sections 126/115 (2)/109/303(2)/3(5) of the BNS, 2023 on 15.06.2025 and thereafter as a counter blast the present case contained in Anneuxre-1 has been lodged by Ganpati Mahto later on. He further submits that there is land dispute between the parties and due to enmity the petitioner has been implicated in this case. He then submits that Ganpati Mahto and others including 35-40 unknown persons armed with deadly weapon had come to the land in question belonging to the petitioner's family from 3 K.M. there from village Chainpur and had attacked on the petitioner's family in order to grab the land while the petitioner's family were doing construction work. The accused persons assaulted Hiralal Swarnkar with rod due to which he sustained injury on hand and chest. Accused Ranjeet Mahto has assaulted Subodh Swarnkar on the head with iron rod. Accused Rakesh Mahto has assaulted Kailash Swarnkar with Farsa on neck. Accused Kalyani Devi has

assaulted and snatched the golden chain valued Rs. 40,000/- from the neck of Shakuntala Devi. They have also assaulted Sunit Devi and rest of the accused persons have assaulted with Lathi, Danda and they have also damaged the shop of the petitioner. He submits that in this background due to enmity the petitioner has been implicated in the present case. He further submits that co-accused Nirmal Swarnkar has been granted anticipatory bail in ABA No.5715 of 2025. On these grounds, He submits that the petitioner may kindly be provided privilege of anticipatory bail.

4. Learned counsel for State opposes the prayer and submits that the case has been registered under section 103 of BNS, 2023 and in view of that, anticipatory bail may not be granted to the petitioner.

5. Learned counsel for the informant also opposes the prayer and submits that the allegations against the petitioner is also there of assault upon Dhaneshwar Mahto.

6. In view of above and considering the submissions of the learned counsel for the parties and looking into the contents of F.I.R, it transpires that so far assault is concerned, that allegation is not against this petitioner and allegation of assault on head is there against Janki Swarnkar. In the FIR it has further come that the petitioner has assaulted upon Dhaneshwar Mahto and Dhaneshwar Mahto has received injury and further there is case and counter case between the parties and both the sides have received injury, and in the attending facts and circumstances of the present case, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, above named, is hereby directed to surrender before learned court within three weeks from today, and in event of his surrender/arrest, petitioner, above named, shall be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, to satisfaction of learned J.M.F.C., Bermo at Tenughat, in connection with Kasmar P.S. Case No.39 of 2025, subject to the conditions as laid down under section 482(2) of Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023.

(Sanjay Kumar Dwivedi, J.)

13.11.2025
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