

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 1212 of 2025

1.Deepak Kumar Nag
2.Chaya Kumari Nag
Both are Son and Daughter of Late Tulsi Ram @ Tulsi Ram Tamoli, R/o Doranda Bazar, P.O. and P.S. Doranda, District- Ranchi

.... Petitioner(s).

Versus

The State of Jharkhand

... Opp. Party(s).

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Abhay Kr. Chaturvedy, Advocate
For the State : Mr. Achinto Sen, Addl. P.P.

08/07.07.2025: Heard, learned counsel for the petitioners and learned counsel for the State.

2. The present anticipatory bail application under Sections 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been preferred by the petitioners apprehending their arrest for the offences registered under Sections 323, 420, 406, 452, 467, 468, 471, 504, 506, 120(B) and 34 of Indian Penal Code, in connection with Jagarnathpur P.S. Case No. 304 of 2024, the case is presently pending in the court of Learned Judicial Magistrate, Ranchi.

3. The case arises out of a complaint and subsequently an FIR was registered. The complainant claims to be the power of attorney holder of land under Khata No. 05, Plot No. 788, Area 1 acre originally purchased by Tulsi Ram Tamoli. After Tulsi Ram's death, his family members, including Binod Kumar Tamoli and Deepak Kumar Nag, came into possession of the land. The complainant states that Binod Kumar Tamoli and Deepak Kumar Nag executed an agreement for sale of several plots, including Plot No. 788, in his favour and later a power of attorney was also executed. Subsequently, the complainant sold a portion of Plot No. 788 to one Sheikh Irshad, with the consent and signatures of the legal heirs of Tulsi Ram on the sale deed. Later, the complainant discovered that some family members of Tulsi Ram, namely Rampati Devi, Deepak Kumar Nag, and Chaya Kumari Nag (petitioner no.2) allegedly conspired to sell a portion of the same land to others, despite the earlier agreement and power of attorney. When the complainant tried to resolve the matter amicably, he was allegedly abused and assaulted by the said persons, leading to the filing of this case.

4. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. He submits that there is land dispute between the petitioners and the complainant and a case of civil nature has been given a colour of Criminal nature which is nothing but an abuse of process of law. He also submits that the petitioner no.1 never executed any power of attorney in favour of the informant and the same was executed by his brother. He submits that the allegations levelled against the petitioners are general and omnibus in nature. He lastly submits that the petitioners are having no criminal antecedents against them. Thus, he prays that this anticipatory bail should be allowed.

5. Learned counsel appearing on behalf of the state vehemently opposes the prayer for anticipatory bail.

6. After hearing the parties, I have gone through the materials available on record. Admittedly there is a land dispute between the petitioners and the complainant which is of civil nature. This court finds merit in the arguments of the learned counsel for the petitioners that a case of civil nature has been given a colour of criminal offence. Accordingly, this anticipatory bail application is allowed.

7. The petitioners, above named, are directed to surrender before the learned court below within four weeks from the date of receipt of copy of this order 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, Ranchi, in connection with Jagarnathpur P.S. Case No. 304 of 2024 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 name or in the name of his ancestors in which he is having share and to that effect, he has to file an affidavit before the Trial Court indicating his share in the property.

(ANANDA SEN, J.)