

(Through email)

seen, copy to system officer
to circulate among all the
Judicial officers through email

2300-6
25/6/25
(JHC/Sch 1-7)

From:

Manoj Prasad
Registrar General
High Court of Jharkhand,
Ranchi.

Office: - 0651-2481449

Fax No.: 0651-2481116

Letter No. 400 / Admn. Misc

Dated: 25 / 06 / 2025

25-06-25

To,

All the Principal District & Sessions Judges of the State
including the Judicial Commissioner, Ranchi.

Sub: Regarding order dated 16.06.2025 passed in A.B.A. 3277/2025.

Sir,

With reference to the subject noted above, I am directed to forward herewith a copy of Hon'ble Court's order dated 16.06.2025 passed in A.B.A. 3277/2025 with a request to circulate the same among all the Judicial Officers posted in your Judgeship.

This is for your kind information and needful.

Encl: As above.

Yours sincerely,

Manoj Prasad
25/6/25
Registrar General

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 3277 of 2025

-
1. Md. Shahzada @ Mohammad Shahzada, aged about 54 years.
 2. Md. Rahim @ Mohammad Rahim, aged about 48 years.
- Both sons of Late Md. Ibrahim, Resident of Bari Bazar, Niche Tola,
 Dhobi Talab, P.O.-Chaibasa, P.S.-Sadar, District-West Singhbhum.

... .. **Petitioners**

Versus

The State of Jharkhand.

... .. **Opposite Party**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s)	:	Mr. Rajendra Prasad Gupta, Advocate.
For the State	:	Ms. Anuradha Sahay, A.P.P.

04/ 16.06.2025

1. Heard the parties.
2. This anticipatory bail application under Section 482 and 484 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been preferred by the petitioners apprehending their arrest for offences registered under Section 318(4), 316(2), 61 of the Bhartiya Nyay Sanhita (BNS), 2023.
3. Learned counsel for the petitioner submits that the petitioner no. 2 has been arrested. Thus, this anticipatory bail application so far as petitioner no. 2 is concerned is rendered infructuous. It is only with respect to petitioner no. 1, this case is being considered.
4. Learned counsel for the petitioner submits that in a absolutely civil dispute, the criminal case has been registered.
5. After hearing the parties, I find that the allegation against the petitioner is that he along with other accused persons had taken six lakhs rupees from the informant who is none but the step brother of this petitioner.

It is further alleged that he issued a cheque of Rs. six lakhs

drawn on the Bank of Andhra which later on merged with the Union Bank. It was undertaken that if the amount is not refunded, the possession of two rooms in the house would be given to the informant. It is alleged that neither the amount has been refunded, nor the possession of rooms are being given to the informant. On this background this criminal case has been lodged.

6. Learned A.P.P. representing the State opposes the prayer for anticipatory bail.
7. Considering the allegation against the petitioner which is apparent from the FIR that the rooms were not handed over to the informant nor six lakhs Rs. of loan has been repaid, I am of the opinion that prima facie this case is civil in nature. Thus, this application stands allowed.
8. Considering the aforesaid fact this Anticipatory Bail Application stands **allowed**. The petitioner no. 1, above named, is 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 his surrender or arrest, he shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Chaibasa. in connection with Chaibasa Sadar P.S. Case No.62 of 2024, subject to the condition that one of the bailers should be a close relative of the petitioner 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.

9. Before parting with the order, I find that the offences alleged in the FIR is punishable, with maximum of seven years. In these types of cases, the judgment of the Hon'ble Supreme Court in the case of Satendra Kumar Antil vs Central Bureau of Investigation & Anr. reported in (2022) 10 SCC 51 is applicable. The Hon'ble Supreme Court in the case of Antil (supra) in paragraph no. 100.3 has held that if there is no compliance of provision of Section 41 & 41-A of Cr.P.C., the accused shall be entitled to get the privilege of bail. It is the duty of the Court to be satisfied that the aforesaid provisions have been complied with. In the impugned order, I could not find any material to come to conclusion as to whether the provision of Section 41-A/35-3 of the BNSS has been complied with or not.
10. Thus, I direct all the Trial Courts including the Magistrate and the Session Judges that while disposing the bail applications or anticipatory bail applications, they should mention in the said order as to whether the provision of Section 41-A/35-3 of the BNSS has been complied with or not.
11. Let this order be circulated and communicated to all the Judicial Officers in the State of Jharkhand.

(ANANDA SEN, J.)

Rashmi/ Cp-2