
(2020) 11 JH CK 0072
In the Jharkhand High Court
Case No : Bail Application No. 8886 Of 2020

Ajit Das @ Chotta Das

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 26-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 120B, 302, 307, 323, 324, 325, 341

Citation : (2020) 11 JH CK 0072

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : A.K. Pandey, Saket Kumar

Final Decision : Dismissed

Judgement

Heard the parties through video conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has moved this Court for grant of privilege of regular bail in connection with Parsudih P.S. Case No.139 of 2019 (G.R. No.1145 of

2019) registered under sections 147/ 148/ 149/ 341/ 323/ 324/325/307/302/120B of the Indian Penal Code.

The learned counsel for the petitioner submits that on the date of occurrence, there had been a clash between the two groups of the prisoners and the

petitioner being member of a gang instigated the rioting which ultimately led to murder of Manoj Singh one jail inmate. It is further alleged that the

petitioner being the member of an unlawful assembly in prosecution of the common object of the assembly, assaulted Pankaj Dubey and other jail

inmates and also injured them. It is further submitted that the petitioner has been falsely implicated in this case due to police highhandedness. It is then

submitted that the petitioner has been implicated by the Jail Superintendent on the basis of CCTV footage of the jail and the petitioner was seen in the

CCTV footage at the time of occurrence. It is next submitted that the petitioner has been in custody since 26.06.2019 as has been mentioned in

paragraph no. 8 of the bail application. The learned counsel for the petitioner submitted that he has no knowledge about the case in respect of which

the petitioner was in jail prior to the occurrence but submitted that the co-accused person has already been admitted to bail. It is lastly submitted that

the petitioner undertakes to cooperate with the trial of the case. Hence, it is submitted that the petitioner be admitted to bail.

The learned Addl. P.P. on the other hand vehemently opposes the prayer for bail and submits that as the occurrence took place inside a jail and the

petitioner is a hardened criminal and the murder of Manoj Singh has been caused by him, therefore, there is every likelihood of the petitioner

absconding, if released on bail. Hence, it is submitted that the petitioner ought not to be admitted to bail.

Considering the serious nature of allegation against the petitioner that while in jail in connection with a serious offence, he was involved in murder of

another inmate of jail, this Court is of the considered view that this is not a fit case where the above named petitioner be admitted to bail. Accordingly,

the prayer for bail of the above named petitioner is rejected.