
(2020) 08 JH CK 0017
In the Jharkhand High Court
Case No : B.A. No. 4799 of 2020

Bhuneshwar Pradhan

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 10-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 395
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 08 JH CK 0017

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Arun Kumar, Shekhar Sinha

Judgement

Heard, learned counsel for the petitioner, Mr. Arun Kumar. Learned counsel for the petitioner has submitted that defect nos. 9 (i) to 9 (v), as per

Stamp Reporting dated 07.07.2020, have not been removed, which he undertakes to remove within 30 days after the lock down period is over and the bail application may be heard, as it is a regular bail application of the petitioner.

Considering the same, this Court is inclined to hear the instant bail application on merits, but with condition that petitioner shall remove the defect(s)

within 30 days after the lock down period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lock down period is over so as to remove the defect(s).

Learned counsel for the petitioner has submitted that the petitioner has prayed for grant of regular bail in connection with Sonua P.S. Case No.

02/2019, corresponding to G.R. No. 208/2019 subsequent S.T. No. 308/2019 for the offence registered under Section 395 I.P.C. against six unknown

accused persons as alleged by informant that accused persons surrounded his

Bolero Vehicle JH- 06K-9339 on the point of carbine by one of the accused and other co-accused having country made pistol, broken the glass of Bolero and on the basis of confessional statement of co-accused Jawab Hembram, the name of petitioner transpired.

Learned counsel for the petitioner has submitted that the petitioner is not named in the F.I.R. nor there is any recovery nor petitioner has been put on test identification parade and he has no criminal antecedent.

Learned counsel for the petitioner has submitted that charge has already been framed on 21.01.2020.

Learned counsel for the petitioner has submitted that Ganju Munda @ Bada Ganju has been granted bail vide order dated 10.06.2020 passed in B.A.

No. 3145/2020.

Learned counsel for the State, Mr. Shekhar Sinha, Additional Public Prosecutor has opposed the prayer for bail and has submitted that from the looted

amount, petitioner has purchased one second hand Scooty. Apart from that, Aadhar Card of Atulya Kumar Lal, informant and single colour

photograph has been recovered from the house of the petitioner on 31.08.2019.

Learned counsel for the State has further submitted that Budhram Gope has stated in his statement recorded under Section 164 Cr.P.C. that this

petitioner with other borrowed motorcycle for commission of the crime.

Learned counsel for the State has further submitted that co- accused Motai Chaki @ Mohan @ Manmohan Chaki has preferred bail application

before this Court, which was rejected in terms of order dated 17.06.2020 passed in B.A. No. 2489/2020, as such, petitioner may not be enlarged on

bail.

Considering the rival submission of the parties, let State shall file detail counter affidavit along with the materials collected during investigation as well

as criminal antecedent report of the petitioner.

Put up this case after four weeks.