
(2020) 08 JH CK 0066

In the Jharkhand High Court

Case No : Bail Application No. 4995 Of 2020

Bijay Shankar Singh @ Vijay Shankar Singh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120(B), 406, 409, 420, 467, 468, 471

Citation : (2020) 08 JH CK 0066

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Kripa Shankar Nanda, Shiv Shankar Kumar

Judgement

Learned counsel for the petitioner has submitted that though there are defect i.e. defect nos.9(i) to (vi) in the bail application as pointed out by the

stamp reporting dated 10.07.2020 but he has filed an undertaking that he shall remove the defect after the lockdown period is over and the bail

application may be heard as it is a regular bail in which petitioner is in custody since 22.02.2020.

Considering the same, this Court is inclined to hear the bail application on merits but with condition that petitioner shall remove the defects within 30

days after the lockdown period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lockdown period is over so as to remove the defects. Heard,

learned counsel for the petitioner, Mr. Kripa Shankar Nanda and learned counsel for the State, Mr. Shiv Shankar Kumar. Petitioner has prayed for

grant of regular bail in connection with Chainpur P.S. Case No.41 of 2015, corresponding to G.R. No.1036 of 2015, for the offence registered under

Sections 406, 409, 420, 467, 468, 471 and 120(B) IPC.

Learned counsel for the petitioner has submitted that petitioner was nominated as Project Manager by NPCC for construction of four project in the

Jharkhand. It is alleged that poor quality of work has been performed for which an FIR has been lodged. Learned counsel for the petitioner has

further submitted that Engineers namely, Shankar Sahu @ Shankar Kumar Sahu has been granted Anticipatory Bail vide order dated 29.01.2018 in

A.B.A. No.6341 of 2017, Randhir Kumar has been granted Anticipatory Bail vide order dated 04.09.2018 in A.B.A. No.5038 of 2018, Ritesh Kumar

Sinha has been granted Anticipatory Bail vide order dated 31.01.2018 in A.B.A. No.6731 of 2017 and Shyam Kishore Singh has been granted

Anticipatory Bail vide order dated 19.09.2016 in A.B.A. No.4045 of 2015 and petitioner is in custody since 22.02.2020, as such, he may be enlarged

on bail as he has superannuated on 31.08.2016.

Learned counsel for the State has opposed the prayer for bail and has submitted that he was project Manager and he was responsible for siphoning of

money because of poor quality of work, as such, he may not be enlarged on regular bail.

After hearing, learned counsel for the parties and perusing the materials brought on record, other co-accused have been enlarged on bail and the

petitioner has superannuated on 31.08.2016, no action has been taken against him regarding departmental proceeding or deduction from pension and

petitioner is in custody since 22.02.2020, as such, petitioner (Bijay Shankar Singh @ Vijay Shankar Singh), is directed to be released on bail on

furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional

Chief Judicial Magistrate, Gumla in connection with Chainpur P.S. Case No.41 of 2015, corresponding to G.R. No.1036 of 2015 on the following

conditions:-

(i) One of the bailors shall be deponent of the present case namely, Urmila Singh, W/o Vijay Shankar Singh, R/o Village- Nanhupur, Mithilesh Nagar

Colony, P.O.- Sarnath, P.S. Asapur, District- Varanasi (Uttar Pradesh) having UID No.9244 0715 0141.

Office is directed to send photo copy of the UID Card bearing No. 9244 0715 0141 of deponent along with this order to the court below so as to verify

the authenticity of the bailor.

(ii) Another bailor shall be close relative (mother/wife/son/brother) of the petitioner.

(iii) Petitioner shall appear before the learned trial court on each and every date till conclusion of the trial, failing which the learned trial court shall

cancel the bail bonds of the petitioner.

(iv) The Jail Authority shall release the petitioner only after his medical check- up.

(v) The Civil Surgeon, Gumla is directed to medically examine the petitioner at the time of his release and if require, petitioner shall be taken for

quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.

(vi) Petitioner shall also comply with all the guidelines issued by the Government to meet the challenges of Covid-19, as the country is passing through

Pandemic of Covid-19.