
(2020) 09 JH CK 0165

In the Jharkhand High Court

Case No : Bail Application No. 6702 Of 2020

Bir Bahadur @ Bir Bahadur Singh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 22-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 399, 402
Arms Act, 1959 — Section 25(1-B)a, 26, 35

Citation : (2020) 09 JH CK 0165

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Manoj Kr, V.S. Sahay

Judgement

Learned counsel for the petitioner has submitted that though there are defect nos.5(e) and 9(i) to 9(iii) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defects within 30 days after the physical court starts and the bail application may be heard as it is a regular bail application in which petitioner is in custody since 31.01.2020. 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 physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defects. Heard, learned counsel for the petitioner, Mr. Manoj Kr. No.2 and learned counsel for the State, Mr. V.S. Sahay.

Learned counsel for the petitioner has submitted that petitioner has prayed for grant of regular bail in connection with Pandwa P.S. Case No.14 of 2020, corresponding to G.R. Case No.575 of 2020, for the offence registered under Sections 399 and 402 IPC and Section 25 (1-B)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner has submitted that petitioner has been made

accused on the basis of disclosure made by the co-accused though there is no recovery from the possession of the petitioner nor petitioner has been apprehended at the spot.

Learned counsel for the petitioner has further submitted that petitioner has one criminal antecedent and petitioner is in custody since 31.01.2020, as such, he may be enlarged on regular bail as co-accused Arbind Kumar @ Deepak @ Arbind Kumar Dipak, whose name also transpired in the confessional statement of the apprehended accused, has already been enlarged on regular bail by co-ordinate Bench of this Court vide order dated 31.08.2020 passed in B.A. 5425 of 2020, as such, petitioner may also be enlarged on regular bail. Learned counsel for the State has opposed the prayer for bail but has not disputed that name of the petitioner transpired on the basis of confessional statement of co-accused and co-accused has already been enlarged on regular bail.

After hearing, learned counsel for the parties and perusing the materials brought on record and looking upon the fact that co-accused Arbind Kumar @ Deepak @ Arbind Kumar Dipak has already been enlarged on regular bail by co-ordinate Bench of this Court vide order dated 31.08.2020 passed in B.A. 5425 of 2020, this Court is inclined to grant Bail to the petitioner. Accordingly, petitioner (Bir Bahadur @ Bir Bahadur 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 Judicial Magistrate, 1st Class, Palamau at Daltonganj in connection with Pandwa P.S. Case No.14 of 2020, corresponding to G.R. Case No.575 of 2020 on the following conditions:-

(i) One of the bailors shall be deponent/parivikar of the present case namely, Akhilesh Kumar Singh, S/o Rajeshwar Singh, R/o Village- Dhodhandih, Nonhar, P.O. & P.S.- Vikramganj, District- Rohtas, Bihar, who has furnished photocopy of his UID Card bearing No.6613 0915 3821 before this Court in the bail application.

Office is directed to send photo copy of the UID Card bearing No. 6613 0915 3821 of deponent along with this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be father/mother/son/sister/brother.

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

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

(v) The Civil Surgeon, Palamau at Daltonganj 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.