

(2020) 08 JH CK 0031
In the Jharkhand High Court
Case No : B.A. No. 4825 of 2020

Deepak Yadav @ Durga Yadav

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 10-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 394
Arms Act, 1959 — Section 25(1b)A, 26, 35

Citation : (2020) 08 JH CK 0031

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Sudhansu Kr. Deo, Nehala Sharmin

Judgement

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

stamp reporting dated 06.07.2020 but he has filed an undertaking that he shall remove the defects 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 22.06.2019. 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. Sudhansu Kr. Deo and learned counsel for the State, Ms. Nehala Sharmin.

Learned counsel for the petitioner has prayed for grant of regular bail in connection with Mohanpur P.S. Case No.212 of 2016, corresponding to G.R.

No.878 of 2016, for the offence registered under Section 394 IPC. Learned

counsel for the petitioner has submitted that FIR has been lodged against unknown persons. Petitioner is not named in the FIR nor anything has been recovered from his possession nor petitioner has been put on TIP rather he has been remanded in this case from Banka P.S. Case No.525 of 2016, for the offence registered under Sections 25(1-b)A, 26/35 of the Arms Act and order of remand was prayed on 02.09.2016 but actual remand was made on 24.06.2019. Learned counsel for the petitioner has further submitted that co-accused, Chunni Ansari @ Iftekar Ansari @ Md. Iftekar Ansari has been granted bail vide order dated 27.02.2018 in B.A. No.1066 of 2018 by co-ordinate Bench of this Court and co-accused, Nasim Khan has been granted bail vide order dated 25.05.2018 in B.A. No.4197 of 2018 passed by this Court, but Ranjit Das from whose possession alleged motorcycle has been recovered, his prayer for bail has been rejected by co-ordinate Bench of this Court vide order dated 29.11.2019 passed in B.A. No. 10634 of 2019.

Learned counsel for the petitioner has further submitted that looted motorcycle was recovered from the possession of co-accused, Ranjit Das and not from this petitioner for which Sarath P.S. Case No.62 of 2016. Learned counsel for the petitioner has further submitted that considering the custody of the petitioner since 2016 in different cases, petitioner may be enlarged on bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that motorcycle was recovered from a joint possession of co-accused, Ranjit Das whose bail application was rejected by co-ordinate Bench of this Court. There is material against the petitioner and co-accused that they are involved in manipulation of registration number of the motorcycle, as such, counter-affidavit is necessary to be filed annexing therewith the material against the petitioner which may be essential for proper adjudication of this case. After hearing, learned counsel for the parties and perusing the materials brought on record, it appears that counter-affidavit is necessary to be filed in this case, as such, the learned State counsel is directed to file a detail counter affidavit along with seizure list and criminal antecedent report of the petitioner and other legal material against the petitioner within a period of four weeks. Put up this case after four weeks along with counter-affidavit.