

(2020) 05 JH CK 0023
In the Jharkhand High Court
Case No : B.A. No. 2571 Of 2020

Harendra Ray @ Harendra Rai And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 05-05-2020

Acts Referred:

Citation : (2020) 05 JH CK 0023

Hon'ble Judges : Ratnaker Bhengra, J

Bench : Single Bench

Advocate : S.K. Murari, Birendra Burman

Judgement

Heard the parties.

Hearing of this bail application has taken place through telephonic conference in which counsel for the petitioners, counsel for the State as well as the Court were well-connected.

Learned counsel for the petitioners submits that this case relates to alleged land dispute, however, petitioners are in possession of the land and it is mentioned in the FIR itself that that petitioners were already in possession of the land and it was the informant side which had gone to the place of occurrence and it would be informant side who would be the aggressors. Learned counsel submits that even otherwise, most of the injuries are simple and one of the injuries is grievous, which was caused by hard and blunt substance. Learned counsel has also submitted that if the petitioners had intention to cause death then they could have easily done so by sabal (iron rod) or other weapon but that is not the case. Learned counsel has further submitted that there is no specific allegation regarding Rs.3500/- who is actually stolen. Learned counsel has further submitted that one of the petitioners is sixty-five years old and both of them have already spent more than four months in custody. Therefore, the petitioners may be granted bail.

Learned counsel for the State has opposed the bail application and submitted

that the petitioners are in illegal possession of land of the informant and on that basis only, the informant side had gone to object to the petitioners; however, they were brutally assaulted by the petitioners by sabal (iron rod) and other weapon resulting to injuries on the head of one person on the informant side and one of the injuries is grievous in nature. Therefore, petitioners do not deserve bail.

Having heard the learned counsel for both the sides, gone through the records and in the facts and circumstances, present petitioners, named above, are ordered to be released on bail on executing bail bonds of Rs. 20,000/- (Rs. Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bokaro in connection with Chas P.S. Case No. 386 of 2019 with the condition that they will appear at each date of hearing in trial before the court-below unless dispensed with by the court-below.