
(2021) 03 JH CK 0162

In the Jharkhand High Court

Case No : Bail Application No. 11410 Of 2020

Karan Rout @ Karan Jaishwal

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 19-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302
Arms Act, 1959 — Section 27

Citation : (2021) 03 JH CK 0162

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Arvind Kumar Choudhary, Someshwar Roy

Judgement

1. Heard Mr. Arvind Kumar Choudhary, learned counsel appearing on behalf of the petitioner.
2. Learned counsel for the petitioner submits that for the same offence, two sessions trials have been instituted. It further transpires from the record of this case that vide letter No. 17/2021 dated 02.02.2021, a report has been received from the learned court below stating that charge was framed on 18.06.2019, number of witnesses in the final form is 17 and no witness has been examined so far.
3. However, from the order dated 29.05.2020 passed in B.A. No. 2577 of 2020 relating to the bail application of the co-accused namely Gaurav Narone it appears that the trial has already commenced and from the perusal of that order it further appears that three witnesses have been examined.
4. In para 10,11 and 12 of the bail application, it has been mentioned by the petitioner that the case was committed to the court of Sessions bearing Session Trial No. 192 of 2019 and the case was committed on 03.06.2019 and transferred to the court of learned Additional Sessions Judge-1st, Deoghar. Learned Additional Sessions Judge, 1st, Deoghar framed charge under Sections

302/34 of the Indian Penal Code and Section 27 of the Arms Act and since then the record is pending for evidence. He further submits that the case of the co-accused persons namely Suraj Kumar Mishra, Gaurav Narone, Saurav Kumar, Vishal Anand, Munna Kumar Singh, Bablu Kumar Rout and Akshay Kumar Rout is pending before the learned Additional Sessions Judge-Vth, Deoghar bearing S.C. Case No. 186 of 2019. In S.C. Case No. 186 of 2019 it appears that charge sheet was submitted on 01.04.2019, cognizance was taken on 06.04.2019, record was committed to the court of sessions on 03.06.2019 and charges were framed on 18.06.2019. In S.C. Case No. 186 of 2019, till date three witnesses have been examined including Kushbu Kumari who is said to have not supported the prosecution case.

5. Learned court below is directed to explain the position and file a fresh report in connection with the stage of the present case arising out of Deoghar Town P.S. Case No. 4 of 2019 in S.T. No. 192 of 2019 for the offence under Section 302/34 of the Indian Penal Code and under Section 27 of the Arms Act said to be pending before the learned Additional Sessions Judge, VII, Deoghar. The report should also indicate as to whether the aforesaid statement made in the bail application are correct or not.

6. Post this case on 09.04.2021.

7. Let this order be communicated to the court concerned through FAX/e-mail.