

(2020) 10 JH CK 0041

In the Jharkhand High Court

Case No : Bail Application No. 5854, 6710 Of 2020

Lalan Rana @ Lalan Kumar Sharma And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 12-10-2020

Acts Referred:

Indian Penal Code, 1860 — Section 144, 149, 307, 379, 385

Arms Act, 1959 — Section 27

Criminal Law Amendment Act, 1932 — Section 17(i)(ii)

Citation : (2020) 10 JH CK 0041

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Baleshwar Yadav, Binod Kr. Dubey, Lily Sahay, Ashok Kumar

Judgement

Both the bail applications are being heard together as they are arising out of common FIR i.e. Itkhori P.S. Case No.59 of 2020, for the offence registered under Sections 144, 149, 385, 307, 379 IPC, under Section 27 of the Arms Act and under Section 17(i)(ii) of C.L.A. Act.

Learned counsels for the petitioners have given undertaking to comply the previous order with regard to removal of the defect(s). Heard, learned counsels for the petitioners, Mr. Baleshwar Yadav (in B.A. No.5854 of 2020) Mr. Binod Kr. Dubey, Advocate (in B.A. No.6710 of 2020) and learned counsel for the State, Mrs. Lily Sahay (in B.A. No.5854 of 2020) and Mr. Ashok Kumar, A.P.P (in B.A. No.6710 of 2020).

Learned counsels for the petitioners have submitted that FIR has been lodged against the six named accused persons, on the basis of the suspicion. It is alleged by the informant, Ramlakhan Gupta in para 8 of the case diary that he can identify the accused persons but from perusal of the case diary, it appears that police has deliberately not put on TIP and on the basis of flimsy grounds, these petitioners have been arrested. It is alleged in the FIR that mobile phone was used for demand of Rs.20,000/- which stands in the name of one Makhloob

Ansari as per para 157 of the case diary.

Learned counsels for the petitioners have further submitted that co-accused, Sarwan Kumar @ Sarwan Kumar Dangi who is also named in the FIR has been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 24.09.2020 in A.B.A. No.4348 of 2020 and co-accused, Praveen Kumar @ Praveen Kumar Yadav and Munna Kumar @ Munna Kumar Yadav have been granted bail by co-ordinate Bench of this Court vide order dated 07.09.2020 in B.A. No.5549 of 2020.

Learned counsels for the petitioners have further submitted that petitioners have no criminal antecedent and they are in custody since 12.05.2020, as such, they may be enlarged on bail.

Learned counsels for the State have opposed the prayer for bail and submitted that since these petitioners have been named by the co-villagers as their movement was suspicious and they have also confessed their guilt and on confession of the co-accused persons a broken single barrel gun has been recovered from the house, as such, they may not be enlarged on bail.

Learned counsels for the petitioners have controverted the same and submitted that it was not a damage/broken gun rather it was a broken mobile, as such, petitioners may be enlarged on bail.

After hearing, learned counsel for the parties and perusing the materials brought on record and looking to the facts and circumstances of the case and considering the fact that co-accused, Sarwan Kumar @ Sarwan Kumar Dangi, who is also named in the FIR has been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 24.09.2020 in A.B.A. No.4348 of 2020, co-accused, Praveen Kumar @ Praveen Kumar Yadav and Munna Kumar @ Munna Kumar Yadav have been granted bail by co-ordinate Bench of this Court vide order dated 07.09.2020 in B.A. No.5549 of 2020, this Court is inclined to grant Bail to the petitioners. Accordingly, petitioners (Lalan Rana @ Lalan Kumar Sharma and Umesh Bhuiyan), are directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Chatra in connection with Itkhori P.S. Case No.59 of 2020 on the following conditions:-

(i) One of the bailors shall be deponent/parivikar of the present case (in B.A. No.5854 of 2020) namely, Low Kumar Sharma, S/o Shashi Bhusan Sharma, R/o Village- Saharjam, P.O.- Karni, P.S.- Itkhori, District- Chatra (Jharkhand), who has furnished photocopy of his UID Card bearing No.8770 5789 8973 before this Court in the bail application.

(ii) One of the bailors shall be deponent/parivikar of the present case (in B.A. No. 6710 of 2020) namely, Prem Bhuiyan, S/o Phulo Bhuiyan, R/o Village-Saharjam, P.O.- Karni, P.S.- Itkhori, District- Chatra (Jharkhand), who has furnished photocopy of his UID Card bearing No.7789 5254 3669 before this Court in the

bail application.

Office is directed to send photo copies of the UID Card bearing Nos. 8770 5789 8973 & 7789 5254 3669 of deponents along with this order to the court below so as to verify the authenticity of the bailor.

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

(iv) Petitioners are directed to appear before the officer-in-charge, Itkhor police station on 01st Monday of each English Calendar month at 10:30 A.M. positively.

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

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

(vii) The Civil Surgeon, Chatra is directed to medically examine the petitioners at the time of their release and if require, petitioners shall be taken for quarantine, but if no such requirement is there, they shall be released forthwith, if not wanted in any other case.

(viii) Petitioners 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.