

(2020) 03 JH CK 0011
In the Jharkhand High Court
Case No : Cr. M.P. No.1992 Of 2019

Md. Firoj And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 05-03-2020

Acts Referred:

Citation : (2020) 03 JH CK 0011

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Indrajit Sinha, Pradipto Mitra, Rahul Kumar

Final Decision : Disposed Of

Judgement

1. Heard Mr. Indrajit Sinha, learned counsel appearing on behalf of the petitioner along with Mr. Pradipto Mitra, Advocate.

2. Heard Mr. Rahul Kumar, learned counsel appearing on behalf of the opposite party no.2 along with Mr. Vishal Singh, Advocate.

3. Learned counsel for the petitioner submits that the present petition has been filed for setting aside the order dated 28.05.2019 and consequently

cancel the bail granted to the opposite party no.2 vide order dated 28.05.2019 in B.A. No.4790 of 2019 passed by this Court in connection with Gola

P.S. Case No.79 of 2017 corresponding to G.R. No.892 of 2017, pending in the court of learned Judicial Magistrate, 1st Class, Ramgarh.

4. It is the specific case of the petitioner that an incorrect submission was made by the learned counsel appearing for the present opposite party no.2

in B.A. No.4790 of 2019, in as much as, it was submitted that out of 20 lakhs, 14 lakhs was already paid which was the consideration for grant of bail

to the present opposite party no.2.

5. Learned counsel for the present opposite party no.2 submits that it was the submission made on behalf of the present opposite party no.2 in B.A.

No.4790 of 2019 and that was his specific case throughout in the criminal case. He submits that after having recorded the submission which was

made, this Court has directed for his release upon deposit of Rs.6,00,000/-. He submits that there has been no misrepresentation or incorrect

submission on behalf of the present opposite party no.2 in B.A. No.4790 of 2019.

6. At this, learned counsel for the petitioner submits that in case this Court is not inclined to cancel the bail of the opposite party no.2, the amount

which has been deposited before the learned court below may be directed to be released in favour of the petitioner who is also the victim subject to

the result of the criminal case before the learned court below.

7. To this, learned counsel for the opposite party no.2 has no serious objection.

8. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this Court finds that the submission of the

present opposite party no.2 regarding payment of Rs.14,00,000/- out of Rs.20,00,000/- in B.A. No.4790 of 2019 was his specific case throughout.

9. In such circumstances, this Court is not inclined to cancel the bail granted to the present opposite party no.2 in B.A. No.4790 of 2019. However,

considering the submission by the parties, the bail order is modified to the extent that the amount of Rs.6,00,000/- which has been deposited by the

opposite party no.2 before the learned court below be released in favour of the petitioner after due identification and the release of the amount will be

subject to the result of the criminal case.

10. This petition is accordingly disposed of.

11. Let this order be communicated to the learned court below through FAX.