

(2020) 08 JH CK 0096

In the Jharkhand High Court

Case No : Bail Application No. 5003 Of 2020

Md. Mahmud Allam @ Mahmood Alam @ Nepali

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 384, 385, 387
Arms Act, 1959 — Section 25(1B)a, 26, 35

Citation : (2020) 08 JH CK 0096

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Sanjay Kumar, Satish Kumar Keshri

Judgement

Learned counsel for the petitioner has submitted that there are defect(s) being defect No.9(i) in the instant bail application, as pointed out by the

Stamp reporting dated 13.07.2020, but he has given an undertaking that he shall remove the defect(s) after the lockdown period is over and the bail

application may be heard as it is a regular bail in which the petitioner is in custody since 15.01.2020.

Considering the same, this Court is inclined to hear the bail application on its 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 within 30 days after the lockdown period is over so as to remove the

defect(s).

Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner, who is accused for offence under Sections 384, 385, 387,

120(B)/34 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act, prays for regular bail in connection with Chandwa P.S. Case No.09 of 2020.

Learned counsel for the petitioner has submitted that FIR has been lodged against 14 named accused persons and out of that, 7 have been apprehended at the spot and rest seven have fled away. It is also alleged that from the possession of the petitioner, one country made pistol, four cartridges and one mobile phone have been recovered.

Learned counsel for the petitioner has further submitted that co- accused, Sudarshan Nayak has been enlarged on bail by Co-ordinate Bench vide order dated 02.06.2020 passed in B.A. No.2870 of 2020, co- accused, Amarjeet Paswan has been enlarged on bail by Co-ordinate Bench vide order dated 02.06.2020 passed in B.A. No.2874 of 2020, co- accused, Saurabh Kumar Sinha @ Vicky Verma @ Shaurabh Sinha @ Vicky has been enlarged on bail by Co-ordinate Bench vide order dated 15.06.2020 passed in B.A. No.3203 of 2020 and co-accused, Rajak Ansari has been enlarged on bail by Co-ordinate Bench vide order dated 22.06.2020 passed in B.A. No.3267 of 2020.

Learned counsel for the petitioner has further submitted that the petitioner has no criminal antecedent and he is in custody since 15.01.2020, as such, the petitioner may also be enlarged on regular bail.

Learned counsel for the State has opposed the prayer for regular bail, but has not disputed that the other co-accused persons have been enlarged on bail by Co-ordinate Bench of this Court.

Considering the rival submissions of the parties and considering the period of custody of the petitioner i.e. 15.01.2020 and considering that the similarly situated co-accused persons have been enlarged on bail by Co-ordinate Bench of this Court, as such, the petitioner above- named, is directed to be

released on regular bail, on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned

Addl. Chief Judicial Magistrate, Latehar, in connection with Chandwa P.S. Case No.09 of 2020, subject to the following conditions :-

(i) One of the bailors shall be deponent of the present petition, namely, Md. Istekhar, S/o Md. Mubarak, R/o Mandoli, Saboli North East, P.O. Nand

Nagri, P.S. Nand Nagri, District- Delhi having his UID NO.4082 3409 5203 Office

is directed to send photocopy of the UID Card bearing No.4082

3409 5203 of deponent along with a copy of this order to the court below so as to verify the authenticity of the bailor/deponent.

(ii) Another bailor shall be father/mother/brother/sister/son/ daughter etc.

(iii) The Jail Authority shall release the petitioner only after his medical check-up.

(iv) The Civil Surgeon, Latehar is directed to medically examine the petitioner at the time of his release and if requires, petitioner shall be taken for

quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.

(v) Petitioner shall appear before the learned trial court on each and every date fixed for his personal appearance, failing which, the trial court shall

cancel the bail bonds of the petitioner.

(vi) Petitioner shall also comply with all the guidelines issued by the Government so as to meet the challenges of Covid-19, as the country is passing

through Pandemic of Covid-19.