
(2020) 05 JH CK 0014
In the Jharkhand High Court
Case No : B.A. No. 2479 Of 2020

Md. Mumtaj Anshari @ Md. Mumtaj Ansari @ Raja	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 01-05-2020

Acts Referred:

Indian Penal Code, 1860 — Section 379, 411, 414

Citation : (2020) 05 JH CK 0014

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Abhisekh Kr. Dubey, Binod Kr. Debey, P.K. Appu

Final Decision : Allowed

Judgement

Learned counsel for the petitioner has submitted that because of pandemic disease the defect no. 9(i), which is formal in nature could not be removed, as such defect may be ignored.

Accordingly, the defect no. 9(i) is hereby ignored.

Heard, learned counsel for the petitioner and learned counsel for the State.

Petitioner has prayed for grant of regular bail in connection with Tandwa P.S. Case No. 06 of 2020 for the offence registered under Section 379 IPC but subsequently Sections 411 and 414 I.P.C. have been added.

Learned counsel for the petitioner has submitted that the FIR has been lodged against the unknown person and no incriminating article has been recovered from the house or possession of the petitioner rather confession was made by the petitioner at 06:45 P.M. on 11.01.2020 whereas the seizure has already been made at 05:15 P.M. as such, the recovery is prior to the confession. The petitioner is in custody since 12.01.2020, as such, petitioner may be enlarged on bail.

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

that it is a case where two motorcycles have been stolen by the petitioner though the same have been recovered, as such, petitioner may not be enlarged on bail.

In the facts and circumstances of the case, as it appears that it is case under Section 379 IPC and subsequently Sections 411 and 414 I.P.C. have been added but from perusal of the same, it appears that the seizure has been made prior to the confession.

Under the aforesaid circumstances of the case and considering the present situation that the country is passing through a pandemic disease (covid 19), the petitioner is in custody since 12.01.2020, as such, petitioner, named above, is directed to be released on bail in connection with Tandwa P.S. Case No. 06 of 2020 pending in the court of Chief Judicial Magistrate, Chatra on following conditions:-

(i) The petitioner be released on provisional bail during the lockdown period on personal bond of Rs.5,000/-.

(ii) As soon as, the lockdown period is over the petitioner shall produce two sureties of the amount of Rs.20,000/- each before the learned trial court within 30 days after lockdown period is over.

(iii) The jail authority shall ensure medical examination of the petitioner at the time of release due to pandemic disease (covid 19).

(iv) At the time of release, the Civil Surgeon, Chatra shall also ensure medical examination of the petitioner and if requires petitioner shall be taken for quarantine.

(v) Petitioner shall also comply with all the guidelines issued by the Government.

(vi) Petitioner shall also appear before the concerned trial court on each and every date till conclusion of the trial.

However, the State is at liberty to file petition for cancellation of bail, if any thing is found which has not been brought to the notice of the court.

Accordingly, learned trial court is directed to release the petitioner provisionally on personal bond of Rs. 5,000/- with aforesaid conditions which shall be governed when lockin period is over.