
(2021) 01 JH CK 0155

In the Jharkhand High Court

Case No : Bail Application No. 11040 Of 2020

Mukesh Saw @ Mukesh Kumar Saw @ Mukesh Sao

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 14-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 307, 387
Arms Act, 1959 — Section 27

Citation : (2021) 01 JH CK 0155

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Shailesh Kr. Pandey, Rajesh Kumar

Final Decision : Allowed

Judgement

Heard the parties through video conferencing.

Learned counsel for the petitioner undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over.

In view of personal undertaking given by the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has been made accused in connection with Barkagaon P.S. Case No. 98 of 2019, corresponding to G.R. No.370 of 2020 registered

under sections 387/ 307/ 120B/ 34 of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner fired two bullets at the informant and injured

him on left thigh. It is submitted that the allegation against the petitioner is false. It is next submitted that the petitioner is not named in the F.I.R. yet

without putting him of T.I.P., charge-sheet has been submitted against the petitioner. It is next submitted that the petitioner has been implicated in this case merely on the basis of his own self confessional statement. It is next submitted that the co-accused, with similar allegations, has been admitted to bail by the Co-ordinate Bench of this Court vide order dated 04.03.2020 passed in B.A. No. 1690 of 2020. It is then submitted that the petitioner undertakes to co-operate with the trial of the case. It is lastly submitted that the petitioner has been in custody since 18.02.2020 as mentioned in paragraph 23 of the bail application. Hence it is submitted that the petitioner be released on bail.

Learned Addl. P.P. opposes the prayer for bail.

Considering the facts of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Hazaribagh in connection with Barkagaon P.S. Case No. 98 of 2019, corresponding to G.R. No.370 of 2020 with the condition that he will co- operate with the trial of the case.