
(2020) 08 JH CK 0010
In the Jharkhand High Court
Case No : B.A. No. 4421 of 2020

Nayan Sahu @ Nayan Kumar Sahu

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 10-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120(B), 212, 216
Criminal Law Amendment Act, 1935 — Section 17(i)(ii)
Unlawful Activities (Prevention) Act, 1967 — Section 19, 39

Citation : (2020) 08 JH CK 0010

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Rohan Kashyap, Abhay Kumar Tiwari

Final Decision : Dismissed

Judgement

Heard, learned counsel for the petitioner, Mr. Rohan Kashyap. Learned counsel for the petitioner has submitted that defect nos. 8 and 9 (i) to 9 (xii),

as per Stamp Reporting dated 27.06.2020, have not been removed, which he undertakes to remove within 30 days after the lock down period is over

and the bail application may be heard, as it is a regular bail application of the petitioner.

Considering the same, this Court is inclined to hear the instant bail application on merits, but with condition that petitioner shall remove the defect(s)

within 30 days after the lock down period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lock down period is over so as to remove the defect(s).

Learned counsel for the petitioner has submitted that the petitioner has prayed for grant of regular bail in connection with Bano P.S. Case No.

25/2017, corresponding to G.R. No. 175/2017 subsequent S.T. No. 25/2019 for the offence registered under Sections 212, 216, 120(B) I.P.C., Section

17(i)(ii) C.L.A. Act and Sections 19/39 of U.A.P. Act.

Learned counsel for the petitioner has submitted that the material which has been collected by the police is referred in page nos. 25 & 26 of the brief

and the conversation show that nothing objectionable has been discussed by this petitioner with the extremist wife.

Learned counsel for the petitioner has submitted that petitioner is in custody since 12.10.2018 and Sangita Kumari @ Sangita Devi, with whom it is

alleged that petitioner has conversation, has already been enlarged on bail vide order dated 01.11.2017 passed in B.A. No. 7626/2017, as such,

petitioner may also be enlarged on bail.

Learned counsel for the State, Mr. Abhay Kumar Tiwari, Additional Public Prosecutor has opposed the prayer for bail and has submitted that earlier

the petitioner has moved before the Hon'ble Apex Court in S.L.P. (Cr.) No. 7102/2019, which was also rejected vide order dated 14.08.2019, as such

no fresh ground is made out though the petitioner has filed Cr. Revision No. 68/2019, which is pending before this Court, as such, there is no fresh

ground to consider the bail application of the petitioner.

Heard, learned counsel for the parties and on the basis of materials brought on record, since the prayer for bail was earlier rejected by this Court on

15.03.2019 passed in B.A. No. 406/2019, which has been affirmed by the Apex Court, as such, this Court is not inclined to enlarge the petitioner on

regular bail.

Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, learned trial court is directed to expedite and conclude the trial within a period of one year from today, failing which, the petitioner may

renew his prayer for bail, if there is no laches on the part of the petitioner in disposal of the trial.