
(2020) 12 JH CK 0038

In the Jharkhand High Court

Case No : Bail Application No. 9442 Of 2020

Rajiv Kumar Srivastava @ Chote @ Chhote And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 10-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 188, 269, 270, 323, 341, 354, 452, 504, 506
Arms Act, 1959 — Section 27
Jharkhand State Epidemic Disease (Covid-19) Act, 2020 — Section 3, 4
Disaster Management Act, 2005 — Section 51

Citation : (2020) 12 JH CK 0038

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : H.K. Shikarwar, Md. Hatim, Mehesh Tewari

Final Decision : Allowed

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioners personally undertakes to remove the defects as pointed out by the

stamp reporter within two weeks after the lockdown period is over.

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

The petitioners have moved this Court for grant of bail in connection with Sadar Lohsighna P.S. Case No.114 of 2020 registered under sections 188/

269/ 270/ 147/ 148/ 149/ 323/ 341/ 354/ 452/ 307/ 504/506 of the Indian Penal Code, Section 27 of Arms Act, Section 3/4 of Jharkhand State Epidemic

Disease (Covid-19) Act, 2020 and under Section 51 of National Disaster Management Act.

The learned counsel for the petitioners submits that the allegation against the petitioners is that the petitioners have attempted to murder the informant by firing from gun. It is further submitted that the allegations against the petitioners are all false and for the selfsame occurrence, from the side of the petitioners, an FIR has been lodged basing upon which Lohsinghna P.S. Case No.115 of 2020 has been registered. It is then submitted that the petitioner made a blank fire from his licensed gun in self-defense to protect himself from being killed by the informant party and there is land dispute between the parties and an eviction suit filed by the informant has been decreed against petitioner no.1 and the petitioner no.1 has filed appeal which is pending. It is next submitted that the petitioners have been in custody since 16.09.2020 as mentioned in the impugned order. It is lastly submitted that the petitioners undertake to cooperate with the trial of the case and they also undertake that they will not annoy or disturb the informant in any manner. Hence, it is submitted that the petitioners be admitted to bail.

The learned Addl. P.P. and the learned counsel for the informant opposes the prayer for bail.

Considering the submissions of the counsels and the fact as discussed above, I am inclined to enlarge the above named petitioners on bail.

Accordingly, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hazaribag, in connection with Sadar Lohsighna P.S. Case No.114 of 2020 with the condition that the petitioners will cooperate with the trial of the case with further condition that they will not annoy or disturb the informant in any manner.