
(2020) 09 JH CK 0174
In the Jharkhand High Court
Case No : Bail Application No. 6717 Of 2020

Ramrai Surin

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 22-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 302, 307, 323, 324, 325, 341

Citation : (2020) 09 JH CK 0174

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : D.K. Chakaraverty, Tapas Roy

Judgement

Learned counsel for the petitioner has submitted that though there is defect no.9(i) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defect within 30 days after the physical court starts and the bail application may be heard as it is a regular bail application in which petitioner is in custody since 06.07.2019. Considering the same, this Court is inclined to hear the bail application on merits but with condition that petitioner shall remove the defect within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect. Heard, learned counsel for the petitioner, Mr. D.K. Chakaraverty, and learned counsel for the State, Mr. Tapas Roy.

Learned counsel for the petitioner has submitted that petitioner has prayed for grant of regular bail in connection with Parsudih P.S. Case No.139 of 2019, for the offence registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302 and 120B IPC.

Learned counsel for the petitioner has submitted that as per the FIR, the same has been lodged as an occurrence of assault took place inside the Ghaghidih jail

amongst the prisoners of the jail.

Learned counsel for the petitioner has further submitted that petitioner is named in the FIR as serial no.13 in another group. It is alleged that Manoj Kumar Singh and Sumit Singh were assaulted by a group of prisoners and both were taken for treatment and in course of treatment Manoj Kumar Singh has died and informant is not an eye witness to the occurrence and he has filed the case on the basis of suspicion.

Learned counsel for the petitioner has further submitted that a large number of co-accused persons namely, Md. Tauqeer @ Md. Touqeer has been granted regular bail by co-ordinate Bench of this Court vide order dated 24.10.2019 passed in B.A. No.8532 of 2019, co-accused, Gopal Tirya @ Gopal Tiriya has been granted regular bail by co-ordinate Bench of this Court vide order dated 17.01.2020 passed in B.A. No.59 of 2020, co-accused, Harish Singh @ Harish Kumar Singh has been granted regular bail by co-ordinate Bench of this Court vide order dated 20.11.2020 passed in B.A. No.10292 of 2019, co-accused, Shoaib Akhtar @ Shibu @ Shoaib Akther has been granted regular bail by co-ordinate Bench of this Court vide order dated 22.10.2019 passed in B.A. No.9457 of 2019, co-accused, Md. Jani Ansari has been granted regular bail by co-ordinate Bench of this Court vide order dated 08.09.2020 passed in B.A. No.5722 of 2020, co-accused, Ram Pratap Yadav, Anil Kumar, Pankaj Kumar Mandal and Santosh Kumar have been granted regular bail by co-ordinate Bench of this Court vide order dated 02.12.2019 passed in B.A. No.9597 of 2019 and co-accused, Surav Kumar Singh @ Surav Singh has been granted regular bail by co-ordinate Bench of this Court vide order dated 16.12.2019 passed in B.A. No.11301 of 2019 and co-accused, Sonu Lal has been granted regular bail by co-ordinate Bench of this Court vide order dated 03.02.2020 passed in B.A. No.799 of 2020. Learned counsel for the State has opposed the prayer for bail and has submitted that this petitioner is also convict in connection with Sonwa P.S. Case vide G.R. Case No.354 of 2012 and S.T. No. 259 of 2019 registered under Sections 302/201/34 IPC, as such, counter-affidavit is necessary to be filed in this case.

Considering the rival submissions of the parties, learned State counsel is directed to file a detail counter-affidavit within four weeks so as to ascertain whether the police has recorded the statement of Manoj Kumr Singh who subsequently died and Sumit Singh, injured of the case, with regard to the involvement of the petitioner, criminal antecedent report of the petitioner as well as postmortem report is also necessary to ascertain what weapon has been used in assaulting the deceased so as to come to a finding that what are the weapon kept in the jail and State Government is not taking any precaution. List this case after four weeks.