
(2022) 08 JH CK 0059

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 2280 Of 2022

Sanjay Ram And Others

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 22-08-2022

Acts Referred:

Citation : (2022) 08 JH CK 0059

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Kalyan Roy, Prabir Kumar Chatterjee

Final Decision : Allowed

Judgement

Sanjay Kumar Dwivedi, J

This petition has been filed for quashing the part of the order dated 22.06.2022 passed in B.P.No.551/2022, passed by the learned court of Additional Sessions Judge –III, Giridih in connection with Dhanwar (Parsan O.P.) P.S.Case No.65 of 2022, pending in the court of learned Judicial Magistrate, 1st Class, Giridih.

Mr. Kalyan Roy, the learned counsel appearing on behalf of the petitioners submits that by the order dated 22.06.2022 the learned court has allowed the petition and the petitioners have been directed to be released on bail subject to the condition that they must deposit the revenue of the boulders and the stones allegedly been seized from their custody to the Mining Department and submit the receipt of the same with their bail bonds. Being aggrieved with this condition, the petition has been filed. He further submits that it is not proved that what is the quantity of the boulders and the stones seized from the possession of the petitioners. He submits that the boulders were scattered and how the authorities concerned have come to the figure disclosed is not known to the petitioners and the petitioners have also not been heard before coming to the figure of the amount in question.

Mr. Chatterjee, the learned counsel appearing on behalf of the respondent State submits that there is no illegality in the impugned order and the learned court has rightly passed the order.

In view of the above submissions of the leaned counsels appearing on behalf of the parties, the Court has perused the impugned order whereby the learned court has granted bail to the petitioners with the aforesaid conditions. It is well settled that condition put forth for granting bail, must be such which shall be complied by the accused. The case has been lodged and the investigation is still going on, without proving the same against the petitioners, the said conditions of depositing the revenue of the boulders and the stones is unreasonable. Accordingly, that part of the order is set aside.

Cr.M.P.No.2280 of 2022 is allowed in part, and disposed of.

The order dated 22.06.2022 passed in B.P.No.551/2022, passed by the learned court of Additional Sessions Judge –III, Giridih in connection with Dhanwar (Parsan O.P.) P.S.Case No.65 of 2022, pending in the court of learned Judicial Magistrate, 1st Class, Giridih, is hereby modified to the above extent only.