

(2020) 12 JH CK 0085

In the Jharkhand High Court

Case No : Bail Application No. 9278 of 2020

Shahbaz Khan @ Raja @ Shabaz Khan

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 07-12-2020

Acts Referred:

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

Citation : (2020) 12 JH CK 0085

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : P. Sahai, Priya Shrestha

Judgement

Heard the parties through Video Conferencing.

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

In view of the personal undertaking given by 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 Jagarnathpur P.S. case no. 144 of 2020 instituted under sections 147, 148, 149, 341, 323, 324, 325, 307, 302 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner was a member of an unlawful

assembly and being armed with deadly weapon, in prosecution of the common object of the assembly, murdered the deceased Samir Khan @ Kolu. It

is then submitted by learned counsel for the petitioner that the allegation against

the petitioner is false and the co-accused with similar allegations have already been given the privilege of anticipatory bail by this court vide order dated 01.10.2020 passed in ABA no. 4460 of 2020 and in the post mortem report, it has been opined that the death of the deceased was due to heart disease. It is further submitted by learned counsel for the petitioner that the petitioner has been implicated in this case due to village politics. It is further submitted by learned counsel for the petitioner that the petitioner has been in jail custody since 20.08.2020 as mentioned in the paragraph 1 of the bail application and the petitioner is ready and willing to co-operate with the trial of the case hence, the petitioner may be released on regular bail.

Learned Addl. P.P. opposes the prayer for bail of the petitioner. Considering the facts of the case, the petitioner is directed to be released 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 J.M., 1st class, Ranchi in connection with Jagarnathpur P.S. case no. 144 of 2020 subject to the condition that the petitioner will co-operate with the trial of the case.