
(2020) 05 JH CK 0049

In the Jharkhand High Court

Case No : Bail Application No. 2459 Of 2020

Shivnath Pradhan @ Lalu Pradhan

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 11-05-2020

Acts Referred:

Indian Penal Code, 1860 — Section 392

Citation : (2020) 05 JH CK 0049

Hon'ble Judges : Ratnaker Bhengra, J

Bench : Single Bench

Advocate : Jitendra Nath Upadhyay, Shiv Kumar Sharma

Judgement

The bail application has been heard through telephonic conversation which was also audible to the learned counsels for both parties as well as to the court.

The petitioner is in custody in connection with Seraikella P.S. Case No. 102 of 2017 corresponding to G.R. Case No. 752 of 2017 (S) for the offence under section 392 of the Indian Penal Code.

Learned counsel for the petitioner has pointed out a defect in the vakalatnama stating that in place of Seraikella, the police station is written as Gamharia. He further requested that it may be corrected and read as Seraikella Police Station.

Prayer is taken into consideration and accorded.

Learned counsel for the petitioner has submitted that petitioner is not named in the FIR. He has further submitted that no incriminating articles have been recovered from the possession of the petitioner. Petitioner was neither present at the place of occurrence nor got any connection in this case. Learned counsel also submitted that two other co-accused persons, namely, Pankaj Kumar Das and Soman Mahato have been granted bail having similar allegation vide B.A. Nos. 8871 of 2019 and 9788 of 2019 respectively. Petitioner is in custody since 13.9.2019 and, therefore, he may be released on bail.

Learned counsel for the state opposed the prayer for bail and submitted that there is serious allegation against the petitioner and, therefore, he may not be released on bail.

Having heard counsels for the parties, having gone through the records on hand and in the facts and circumstances of the case, I am inclined to release the petitioner, named above, on bail on furnishing bail bond of Rs. 20,000/ (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Seraikella in connection with Seraikella P.S. Case No. 102 of 2017 corresponding to G.R. Case No. 752 of 2017 (S) subject to the condition that the petitioner shall attend each and every date during trial unless it is dispensed with by the learned court below.