
(2020) 08 JH CK 0052

In the Jharkhand High Court

Case No : Bail Application No. 4829 of 2020

Sujit Mukherjee

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 10-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 379, 411, 461

Citation : (2020) 08 JH CK 0052

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Sudhanshu Shekhar Choudhary, Ashok Singh

Judgement

Learned counsel for the petitioner has submitted that though there are defects being defect nos.9(i) to 9(v) in the bail application as pointed out by the

stamp reporting dated 06.07.2020 but he has filed an undertaking that he shall remove the defects after the lockdown period is over and the bail

application may be heard as it is a regular bail in which the petitioner is in custody since 21.05.2020. Considering the same, this Court is inclined to

hear the bail application on merit but with condition that petitioner shall remove the defects within 30 days after the lockdown period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lockdown period is over so as to remove the defects. Heard,

learned counsel for the petitioner, Mr. Sudhanshu Shekhar Choudhary and learned counsel for the State, Mr. Ashok Singh. Learned counsel for the

petitioner has prayed for grant of regular bail in connection with Sukhdeonagar P.S. Case No.215 of 2020, for the offence registered under Sections

461/379/411/34 IPC.

Learned counsel for the petitioner has submitted that some unknown persons have broken the shutter of the shop of the informant and stolen

automobile accessories of Rs.2,00,000/- and cash of Rs.2800/-. Learned counsel for the petitioner has further submitted that the petitioner is not

named in the FIR nor anything has been recovered from the house of petitioner rather the same has been recovered from the house of one Mannu

Singh and the petitioner has no criminal antecedent. Co-accused, Santosh Kumar has been granted bail by Co-ordinate Bench of this Court vide order

dated 07.08.2020 in B.A. No.4500 of 2020, as such, the petitioner may also be enlarged on bail. Learned counsel for the State has opposed the prayer

for bail and has submitted that from perusal of the impugned order, it has been referred in para 58 of the case diary that several incriminating articles

have been recovered from the house of the petitioner, on the basis of confession made by the co-accused, as such, petitioner may not be enlarged on

bail and sometime may be granted to file counter affidavit.

Considering the same, learned counsel for the State is directed to file a detail counter affidavit along with the material collected during the investigation

as well as criminal antecedent report of the petitioner.

Put up this case after four weeks along with counter-affidavit.