
(2020) 09 JH CK 0175
In the Jharkhand High Court
Case No : Bail Application No. 6710 Of 2020

Umesh Bhuiyan

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 22-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 144, 149, 379, 385
Arms Act, 1959 — Section 27
Criminal Law Amendment Act, 1932 — Section 17(i)(ii)

Citation : (2020) 09 JH CK 0175

Hon'ble Judges : Kailash Prasad Deo, J

Bench : Single Bench

Advocate : Binod Kr. Dubey, Ashok Kumar

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 12.05.2020. 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. Binod Kr. Dubey and learned counsel for the State, Mr. Ashok Kumar.

Learned counsel for the petitioner has submitted that petitioner has prayed for grant of regular bail in connection with Itkhori P.S. Case No.59 of 2020, for the offence registered under Section 144, 149, 385 and 379 IPC, Section 27 of the Arms Act and Section 17(i)(ii) of C.L.A. Act. Learned counsel for the petitioner has submitted that on the basis of suspicion, petitioner has been named in the

FIR though the used mobile bearing No.7033901434 has not been recovered from the possession of the petitioner and other co-accused namely, Praveen Kumar @ Praveen Kumar Yadav and Munna Kumar @ Munna Kumar Yadav have already been enlarged on regular bail by co-ordinate Bench of this Court vide order dated 07.09.2020 passed in B.A. No.5549 of 2020.

Learned counsel for the petitioner has further submitted that petitioner is in custody since 12.05.2020 and he has no criminal antecedent, as such, he may be enlarged on regular bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that in terms of order dated 07.09.2020 passed in B.A. No.5854 of 2020, the State was directed to file a detail counter-affidavit within four weeks, as such, State may be given an opportunity to file counter-affidavit in this case also.

Considering the rival submissions of the parties, learned State counsel is directed to file a detail counter-affidavit within four weeks with regard to criminal antecedent of the petitioner, recovery made from the possession of the petitioner and investigation done with respect to mobile bearing No.7033901434.

List this case after four weeks along with B.A. No.5854 of 2020 and other analogous cases arising out of Itkhor P.S. Case No.59 of 2020.