

IN THE HIGH COURT OF JHARKHAND AT RANCHI
[CRIMINAL MISCELLANEOUS JURISDICTION]
B.A. No. 6017 of 2020

1. Raju Kushwaha
2. Basant Kumar Dangi
3. Sujit Kumar Dangi Petitioners

Versus

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through : Video Conference)

For the Petitioners : Mr. Rohan Mazumdar, Advocate
For the State : Mr. Ravi Prakash, A.P.P

02/Dated: 14/09/2020:

Learned counsel for the petitioners 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 in which petitioners are in custody since 01.04.2020.

Considering the same, this Court is inclined to hear the bail application on merits but with condition that petitioners 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 petitioners, Mr. Rohan Mazumdar and learned counsel for the State, Mr. Ravi Prakash.

Learned counsel for the petitioners has submitted that petitioners have prayed for grant of regular bail in connection with Itkhori P.S. Case No.49 of 2020, for the offence registered under Section 392 IPC.

Learned counsel for the petitioners has submitted that one vegetable truck was looted by the criminals, who were in a white Bolero vehicle and mobile phone has also been taken.

Learned counsel for the petitioner has further submitted that though FIR has been lodged under Section 392 IPC in connection with Itkhori P.S. Case No.49 of 2020 but petitioners are not named in the FIR. On the basis of confessional statement of co-accused, Ashish Kumar Dangi @ Ramashish Kumar Dangi, petitioners have been made accused and under duress a signature has been obtained on the seizure list though nothing has been recovered from the possession of the petitioners and petitioners are in

custody since 01.04.2020, as such, they may be enlarged on regular bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that pic-up van bearing registration No.JH10F-3059 has been recovered near the house of petitioner no.2 (Basant Kumar Dangi) and other looted articles such as mobile and cash have been recovered from the possession of the petitioners, as such, petitioners may not be enlarged on regular bail.

Considering the rival submissions of the parties, learned State counsel is directed to file counter-affidavit within four weeks stating therein whether a white Bolero vehicle used for commission of the crime as well as criminal antecedent of the petitioners and the looted articles recovered from which petitioners should also be mentioned in the counter-affidavit.

List this case after four weeks.

In the meantime, learned counsel for the petitioners is directed to file supplementary affidavit with regard to criminal antecedent of these petitioners as well as stage of trial.

(Kailash Prasad Deo, J.)