

IN THE HIGH COURT OF JHARKHAND AT RANCHI
[CRIMINAL MISCELLANEOUS JURISDICTION]
B.A. No. 6018 of 2020

Rakesh Kumar Biyar @ Rakesh Biyar @ Rakesh Mahto Petitioner

Versus

The State of Jharkhand Opposite Party

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

For the Petitioner : Mr. Baleshwar Yadav, Advocate

For the State : Mr. Shiv Shankar Kumar, A.P.P

02/Dated: 14/09/2020:

Learned counsel for the petitioner has submitted that though there are defect nos.9(i) to 9(iii) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defects 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 30.06.2020.

Considering the same, this Court is inclined to hear the bail application on merits but with condition that petitioner shall remove the defects 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 defects.

Heard, learned counsel for the petitioner, Mr. Baleshwar Yadav and learned counsel for the State, Mr. Shiv Shankar Kumar.

Learned counsel for the petitioner has submitted that petitioner has prayed for grant of regular bail in connection with Bishunpura P.S. Case No.05 of 2020, arising out of C-03/2020, for the offence registered under Sections 366/323/452/354/354(B)/379 IPC and Section 8 of POCSO Act.

Learned counsel for the petitioner has submitted that after a delay of 14 days a complaint petition was filed alleging therein that on 24.12.2019, this petitioner entered into the house of the informant, caught her hand with bad intention due to which her bangles were broken and abused her and fled away on raising hulla.

Learned counsel for the petitioner has further submitted that it is alleged that a panchyati was convened in which father of the complainant was abused.

Learned counsel for the petitioner has further submitted that it is alleged that during investigation, mobile of the petitioner was handed over to the

police by the complainant and to that effect a seizure list has been prepared.

Learned counsel for the petitioner has further submitted that mobile was produced by the complainant and seized by the police does not belong to the petitioner and there is inordinate delay of 14 days in lodging the complaint case. The petitioner has no criminal antecedent and no case under Section 8 of the POCSO Act is made out and a frivolous complaint petition has been filed.

Petitioner has surrendered before the court below on 30.06.2020, as such, petitioner may be enlarged on bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that mobile of the petitioner has fallen in the house of the complainant, which was produced before the police and involvement of the petitioner is there, as such, he is not entitled for regular bail.

After hearing, learned counsel for the parties and perusing the materials brought on record and looking into the specific plea taken by the petitioner that mobile does not belong to him and petitioner has no criminal antecedent and there is delay of 14 days in lodging in complaint petition, as such, this Court is inclined to grant Bail to the petitioner. Accordingly, petitioner (Rakesh Kumar Biyar @ Rakesh Biyar @ Rakesh Mahto), is directed to be released 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 learned Addl. Sessions Judge-I-cum-Special Judge, Garhwa in connection with Bishunpura P.S. Case No.05 of 2020, arising out of C-03/2020 on the following conditions:-

(i) One of the bailors shall be deponent/parivikar of the present case namely, Santosh Kumar Yadav, S/o Bramhdev Prasad yadav, R/o- Ward No.2 (Sarang), Village- Jatpura, P.O.- Pipari Kala, P.S.- Bishunpura, District- Garhwa, who has furnished photocopy of his UID Card bearing No.5147 4862 1777 before this Court in the bail application.

Office is directed to send photo copy of the UID Card bearing No. 5147 4862 1777 of deponent along with this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be father/mother/son/sister/brother.

(iii) Petitioner shall appear before the learned trial court on each and every date till conclusion of the trial.

(iii) The Jail Authority shall release the petitioner only after his medical check-

up.

(vi) The Civil Surgeon, Garhwa is directed to medically examine the petitioner at the time of his release and if require, petitioner shall be taken for quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.

(v) Petitioner shall also comply with all the guidelines issued by the Government to meet the challenges of Covid-19, as the country is passing through Pandemic of Covid-19.

(Kailash Prasad Deo, J.)