

IN THE HIGH COURT OF JHARKHAND AT RANCHI
[CRIMINAL MISCELLANEOUS JURISDICTION]
B.A. No. 6026 of 2020

Pappu Prasad Mehta Petitioner
The State of Jharkhand Opposite Party

Versus

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

For the Petitioner : Mr. Awnish Shankar, Advocate
For the State : Mr. Rakesh Ranjan, A.P.P

02/Dated: 14/09/2020:

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.

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. Awnish Shankar, and learned counsel for the State, Mr. Rakesh Ranjan.

Learned counsel for the petitioner has submitted that petitioner has prayed for grant of regular bail in connection with Ichak P.S. Case No.154 of 2010, corresponding to G.R. Case No.2566 of 2010 and S.T. No. 82 of 2020, for the offence registered under Sections 304B/120B IPC.

Learned counsel for the petitioner has submitted that looking into the material collected, investigation report and postmortem report, the police has filed Final Form under Section 306 IPC on 31.12.2011 and cognizance has been taken on 23.01.2012 under Sections 304B/120B but petitioner has been wrongly declared absconder, which was set aside by the learned court of Sessions Judge.

Learned counsel for the petitioner has further submitted that petitioner is in custody since 14.01.2020 and the charge has been framed under Sections 304B/34 IPC on 06.03.2020 and informant has been examined as P.W.1 but

has not supported the prosecution case and declared hostile, as such, petitioner may be enlarged on bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that petitioner is the husband and the case is of the year, 2010, as such, counter-affidavit including postmortem report is necessary to be filed in this case.

Considering the rival submissions of the parties, learned State counsel is directed to file counter-affidavit including material collected during investigation and the postmortem report within a period of four weeks.

List this case after four weeks.

(Kailash Prasad Deo, J.)