

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Criminal Miscellaneous Jurisdiction)**  
**A.B.A. No. 3076 of 2020**

Md. Qasim ..... Petitioner  
**Versus**  
The State of Jharkhand ..... Opp. Party

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

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For the Petitioner : Mr. Shailesh Kumar Pandey, Advocate.  
For the State : Mr. V.S. Sahay, A.P.P.

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**02/Dated: 09/09/2020**

Heard, learned counsel for the petitioner, Mr. Shailesh Kumar Pandey.

Learned counsel for the petitioner has submitted that defect nos. 9 (i) to (vi), as per Stamp Reporting dated 06.07.2020, have not been removed, which he undertakes to remove within 30 days after the physical court starts and prayed for hearing of the anticipatory bail application, as petitioner is apprehending his arrest during pandemic of Covid-19.

Considering the same, this Court is inclined to hear the instant anticipatory bail application on merits, but with condition that petitioner shall remove the defect(s) 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(s).

Learned counsel for the petitioner has submitted that the petitioner is apprehending his arrest in connection with Kunda P.S. Case No. 41/2018 for the offence registered under Sections 379, 411, 34 I.P.C.

Learned counsel for the petitioner has submitted that petitioner is driver of Bolero Vehicle bearing registration no. JH-02AU-1718 and F.I.R. has been lodged against six accused persons including the owner of the Bolero Vehicle, but driver has not been made accused, rather the name of petitioner transpired in the confessional statement of co-accused.

Learned counsel for the petitioner has submitted that he has categorically stated in paragraph-12 of his application that petitioner has no criminal antecedent, apart from this petitioner has no benefit in taking away stolen articles, as he is the driver of the vehicle and he ply the vehicle on the instruction of the owner of the vehicle, as such, he may be enlarged on bail as he is a poor driver and his entire family depends upon the petitioner.

Learned counsel for the State, V.S. Sahay, Additional Public Prosecutor has opposed the prayer of bail but has submitted that several accused persons preferred anticipatory bail application before this Court and the co-accused Bibhuti Bhushan Gupta has been enlarged on bail by Coordinate Bench of this Court.

Considering the rival submissions of the parties, it appears that co-accused Manish Kumar Gupta has preferred A.B.A. No.698/2020, which was dismissed as withdrawn in terms of order dated 05.02.2020 and earlier his prayer for bail was also dismissed as withdrawn in terms of order dated 04.12.2019 passed in A.B.A. No.7649/2019, but Coordinate Bench of this Court has granted anticipatory bail to one Bibhuti Bhushan Gupta, who was owner of the pick-up Van bearing registration no. BR-02AA-1273 in terms of order dated 01.02.2019 passed in A.B.A. No. 338/2019, the petitioner is directed to surrender before the Court below within eight weeks from the date of this order and in the event of his arrest or surrender, the Court below shall enlarge the above named petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Chatra, in connection with Kunda P.S. Case No. 41/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also on the following conditions:

- (i) One of the bailors shall be the deponent / pairvikar of the present case namely, Md. Shoaib, son of Md. Abdul Rahman, resident of Street / Road / Locality Bind Mohalla, Ward No. 06, Landmark; Near R.M.C. School, Area / Locality / Sector, P.O. + P.S.

- Chatra, District – Chatra, who has furnished photocopy of his UID Card bearing number 9807 7043 4694 before this Court in the bail application.

*Office is directed to send the photocopy of UID Card bearing no. 9807 7043 4694 of deponent alongwith this order to the court below so as to verify the authenticity of the bailor.*

(ii) Another bailor shall be close relative of the petitioner i.e. father / mother / son / wife / brother.

(iii) Petitioner shall appear before the learned trial court on each and every date fixed for his appearance.

Accordingly, the instant anticipatory bail application is hereby allowed.

**(Kailash Prasad Deo, J.)**

Sunil-Jay/