

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
A.B.A. No. 3084 of 2020

Sashikant Mahto Petitioner
Versus
The State of Jharkhand Opp. Party

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

For the Petitioner : Mr. Rajan Sahay, Advocate.
For the State : Mrs. Nehala Sharmin, A.P.P.

02/Dated: 09/09/2020

Heard, learned counsel for the petitioner, Mr. Rajan Sahay.

Learned counsel for the petitioner has submitted that defect nos. 9 (i) & (ii), as per Stamp Reporting dated 07.07.2020, 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 Ormanjhi P.S. Case No. 178/2019 for the offence registered under Sections 419, 420, 467, 468, 471 and 120(B) I.P.C.

Learned counsel for the petitioner has submitted that earlier Complaint Case No.2714/2015 has been filed, in which mediation took place and agreement was executed on 02.06.2017, which has been brought on record as Annexure-3 and subsequent to that, money has been paid and the money receipt has been brought on record at page no.25. The court below has considered in detail while passing the impugned order at Page No. 28, but refuse to grant anticipatory

bail to the petitioner, Sashikant Mahto and one Trilochan Sao by assigning the reason at page no.30 and 31.

Learned counsel for the petitioner has submitted that frivolous case has been lodged against the petitioner, as such, petitioner may be enlarged on anticipatory bail as petitioner has no criminal antecedent.

Learned counsel for the State, Mrs. Nehala Sharmin, Additional Public Prosecutor has opposed the prayer of bail and has submitted that informant be impleaded as opposite party no.2, who can assist this Court with regard to the factual aspect of the matter.

However, learned counsel for the State has submitted that she will file a counter affidavit on the basis of the material collected by the police during investigation in the case diary.

Under the aforesaid circumstances, office is directed to implead informant namely, Rajesh Kumar as opposite party no.2.

State counsel is directed to file counter affidavit on the basis of case diary within a period of four weeks.

The opposite party no. 2 is also directed to file counter affidavit.

Put up this case after appearance of the opposite party.

In the meantime, no coercive steps shall be taken against the petitioner / not to arrest the petitioner in connection with Ormanjhi P.S. Case No. 178/2019, pending in the court of C.J.M., Ranchi.

(Kailash Prasad Deo, J.)

Sunil-Jay/