

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
A.B.A. No. 3085 of 2020

Niraj Kumar Petitioner
Versus
The State of Jharkhand Opp. Party

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

For the Petitioner : Mr. Pratiush Lala, Advocate.
For the State : Mr. Vishwanath Roy, A.P.P.

02/Dated: 09/09/2020

Heard, learned counsel for the petitioner, Mr. Pratiush Lala.

Learned counsel for the petitioner has submitted that defect no. 9 (i), as per Stamp Reporting dated 07.07.2020, has 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 petitioner is apprehending his arrest in connection with Bank More (Bhuli) P.S. Case No. 129/2019 for the offence registered under Sections 448, 341, 323, 354, 504, 506, 34 I.P.C.

Learned counsel for the petitioner has submitted that the co-accused, Sumit Kumar Singh @ Sumit Kumar has been granted anticipatory bail by the Coordinate Bench of this Court vide order dated 11.06.2020 passed in A.B.A. No.1576/2020, as such, petitioner may also be enlarged on bail, as his case is similar to the case of Sumit Kumar Singh @ Sumit Kumar and petitioner has no criminal antecedent and there is case and counter case between the parties.

Learned counsel for the State, Mr. Vishwanath Roy, Additional Public Prosecutor has opposed the prayer for bail and has submitted that one of the co-accused Sonu Kumar has been granted anticipatory bail after payment of compensation to the victim, but has fairly submitted that case of Sumit Kumar Singh @ Sumit Kumar is similar to case of the present petitioner, Niraj Kumar.

Considering the rival submission of the parties, since the co-accused Sumit Kumar Singh @ Sumit Kumar has been granted anticipatory bail by a Bench of this Court vide order dated 11.06.2020 passed in A.B.A. No. 1576/2020, 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 C.J.M., Dhanbad, in connection with Bank More (Bhuli) P.S. Case No. 129/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also on the following conditions:

(ii) One of the bailors shall be the deponent / parivikar of the present case namely, Prabha Devi, wife of Dinesh Paswan, resident of Village – Bhuli Basti, P.O. - Bhuli Nagar, P.S. - Bhuli, District – Dhanbad, who has furnished her photocopy of UID Card bearing number 5867 2034 5942 before this Court in the bail application.

Office is directed to send the photocopy of UID Card bearing no. 5867 2034 5942 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.

Accordingly, the instant anticipatory bail application is hereby allowed.

(Kailash Prasad Deo, J.)

Sunil-Jay/