

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Miscellaneous Jurisdiction)

A.B.A. No. 3118 of 2020

Kuntha Yadav

..... Petitioner

Versus

The State of Jharkhand

.....Opposite Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

Through:- Video Conferencing

For the Petitioner

: Mr. Vijay Kr. Roy, Advocate

For the State

: Mr. Suraj Verma, A.P.P.

02/Dated: 09/09/2020

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 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 anticipatory 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. Vijay Kr. Roy and learned counsel for the State, Mr. Suraj Verma.

Learned counsel for the petitioner has submitted that petitioner is apprehending his arrest in connection with Palajori P.S. Case No.23 of 2019, corresponding to G.R. No.148 of 2019, for the offence under Sections 414/34 IPC, as it is alleged that Hywa bearing registration No.BR51B-4203 was carrying 25 tones of illegal coal which is incorrect as there was valid paper with respect to carrying of coal which has been brought on record as Annexure-2.

Learned counsel for the petitioner has submitted that police has unnecessarily lodged a case against the petitioner as the petitioner could not justify the illegal demand of the police.

Learned counsel for the petitioner has further submitted that petitioner has no criminal antecedent, as such, he may be enlarged on anticipatory bail.

Learned counsel for the State has opposed the prayer for bail and has

submitted that validity of the paper with respect to the coal is to be verified, as such, four weeks time may be granted to verify the same.

Considering the rival submission of the parties, learned State counsel is granted four weeks time to file a detail counter-affidavit after verifying validity and genuineness of the document of coal.

List this case after four weeks.

In the meantime, no coercive steps shall be taken against the petitioner/ not to arrest the petitioner in connection with Palajori P.S. Case No.23 of 2019, corresponding to G.R. No.148 of 2019 pending in the court of learned Judicial Magistrate, 1st Class, Madhupur.

(Kailash Prasad Deo, J.)