

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 3138 of 2020

Babar Khan Petitioner(s)

-V e r s u s-

The State of Jharkhand Opposite Party(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Deepak Kumar, Advocate

For the State : A.P.P

3/09.09.2020 Heard through V.C.

As prayed for by learned counsel for the petitioner, the defects as pointed out by the office is hereby ignored for the time being.

The petitioner is apprehending his arrest in connection with Ichak P.S. Case No. 65 of 2016, Corresponding to G.R. No. 1176 of 2016, registered for the offence under Sections 379 of the Indian Penal Code, Section 21 of the MMRD Act, Section 54 of JMMC Rules, Section 27/29 Wild Life Protection Act, Section 33 of Indian Forest Act and Section 4/5 of Explosive Substance Act.

Learned counsel for the petitioner submits that the story propounded with respect to identification of the petitioner that too without his parentage creates a serious doubt coupled with the facts that it has been alleged that the petitioner was identified while fleeing away which is quite improbable. As a matter of fact, he was never present at the place of occurrence and he has been falsely implicated in this case. He further submits that it is a specific case of the petitioner that he is having no concern with the seized tractor and/or the seized stone or any other incriminating articles, seized by the police in the instant case. He concluded his argument and submitting that the petitioner is a very poor worker who works on daily wages.

Learned Addl. P.P. opposes the prayer for bail.

Taking into consideration the overall circumstances, I am inclined to allow this application, the petitioner, named above, is directed to surrender before the court below within four weeks from today and in the event of his arrest/surrender, the court below is directed to enlarge him on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Hazaribagh, in connection with Ichak, P.S. Case no. 65 of 2015, corresponding to G.R. No. 1176 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Deepak Roshan, J.)

Amardeep/