

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 619 of 2020

Binod Kumar Vishwakarma ... Petitioner  
Versus  
The State of Jharkhand ... Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Ranjan Kr. Singh, Adv.  
For the State : Mr. Praveen Kr. Appu, Addl. P.P.

04 / 26.06.2020

Heard the parties through Video Conferencing.

Learned counsel for the petitioner submits that the defect pointed by the Stamp Reporter at sl. no. 9 (i) is a minor defect and because of lockdown, the petitioner is not able to remove the said defect and hence, it is submitted that the said defect be ignored.

Considering the facts of the case and the submission of learned counsel for the petitioner, the defects pointed by the Stamp Reporter at sl. no. 9 (i) being minor in nature is ignored.

This criminal miscellaneous petition has been filed at the instance of the petitioners for restoration of Cr.M.P. No. 3704 of 2019 to its original file.

Learned counsel for the petitioners submits that the Cr.M.P. No. 3704 of 2019 was dismissed for non-compliance of the peremptory order dated 20.12.2019 by which the petitioners of the said Cr.M.P. No. 3704 of 2019 were directed to file supplementary affidavit annexing therewith the proof of deposit of Rs. 4,09,033/- by the petitioner with the DFO, Medninagar, Palamau. It is next submitted by learned counsel for the petitioner that the demand draft for the said amount has already been prepared and he has forwarded the copy of the demand draft to the Court Master of this court through WhatsApp. Let hard copy of the said demand draft be kept in the record. Perusal of the said demand draft reveals that the said demand draft has become invalid because of the efflux of time as the same was issued on 30.01.2020. Learned counsel for the petitioner submits that the petitioner undertakes to get the said demand draft revalidated and submit the same before the DFO, Medininagar, Palamau and hence, it is submitted that unless Cr.M.P. No. 3704 of 2019 is restored

to its original file, the petitioner will be highly prejudiced. Hence, it is submitted the Cr.M.P. No. 3704 of 2019 be restored to its original file.

Learned Addl. P.P. has no serious objection for the prayer of restoration of Cr.M.P. No. 3704 of 2019.

Considering the aforesaid submission of the learned counsel for the petitioner, Cr.M.P. No. 3704 of 2019 is restored to its original file.

List Cr.M.P. No. 3704 of 2019 after a week.

This criminal miscellaneous petition is disposed of accordingly.

**(ANIL KUMAR CHOUDHARY, J.)**

Smita/-

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 921 of 2020

Teklal Mahto @ Teklal Kumar Mahto ... Petitioner  
Versus  
The State of Jharkhand ... Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Awanikant Prasad, Adv.  
For the State : Mr. Ram Prakash Singh, Addl. P.P.

02 / 26.06.2020

Heard the parties through Video Conferencing.

Learned counsel for the petitioner submits that the defect pointed by the Stamp Reporter is a minor defect and because of lockdown, the petitioner is not able to remove the said defect. Hence, it is submitted that the said defect be ignored.

Considering the facts of the case and the submission of learned counsel for the petitioner, the defects pointed out by the Stamp Reporter being minor in nature is ignored.

This criminal miscellaneous petition has been filed at the instance of the petitioners for restoration of A.B.A. No. 981 of 2020 to its original file.

Learned counsel for the petitioner submits that the A.B.A. No. 981 of 2020 was dismissed on 24.02.2020 for non-prosecution. It is then submitted that, when the case was called out, the learned counsel for the petitioner was on legs in court no. 10 and he could not appear before this court resulting in the said dismissal. It is then submitted that the petitioner has very good ground to agitate in the anticipatory bail application and unless the same is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted the A.B.A. No. 981 of 2020 be restored to its original file.

Learned Addl. P.P. has no serious objection for the prayer of restoration of anticipatory bail application.

Considering the aforesaid submission of the learned counsel for the petitioners, A.B.A. No. 981 of 2020 is restored to its original file.

List A.B.A. No. 981 of 2020 after a week before an appropriate Bench.

This criminal miscellaneous petition is disposed of accordingly.

**(ANIL KUMAR CHOUDHARY, J.)**

Smita/-

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 643 of 2017

Bablu Yadav @ Babu Mahto	...	Appellant
	Versus	
The State of Jharkhand	...	Respondent

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant	: Mr. Kamdeo Pandey, Adv.
For the State	: Mr. Nehru Mahto, Addl. P.P.

07 / 26.06.2020

Heard the parties through Video Conferencing.  
Learned counsel for the appellant prays for time.  
List this appeal after a week.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C. M.P. No. 198 of 2019

Peter Tirkey ... Petitioner  
Versus  
Abid Ansari & Ors. ... Respondents

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Rajiv Anand, Adv.

03 / 26.06.2020

Heard the parties through Video Conferencing.

Issue notice to the opposite parties.

The petitioner is directed to file requisites for service of notice upon the opposite parties in the matter of limitation under registered cover with A/D as well as under ordinary process within three weeks, failing which, this civil miscellaneous petition will stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

List this civil miscellaneous petition after receipt of service report of notice issued to the opposite parties.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C. M.P. No. 557 of 2019

Parvind Kumar Rastogi ... Petitioner  
Versus  
Rasul Mian & Anr. ... Respondents

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Santosh Kumar, Adv.

04 / 26.06.2020

Heard the parties through Video Conferencing.

Learned counsel for the petitioner submits that he will file supplementary affidavit mentioning therein the reasons as to why the petitioner could not comply the peremptory order passed in CMP No. 588 of 2018 within the stipulated time.

Prayer is allowed.

List this case after filing of the supplementary affidavit.

If the supplementary affidavit is not filed within six weeks, this civil miscellaneous petition shall stand dismissed without further reference to the Bench.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C. M.P. No. 685 of 2019

Most. Manutar Devi & Ors. ... Petitioners  
Versus  
Ganesh Pandey & Ors. ... Respondents

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Pradeep Kr. Deomani, Adv.  
For the Respondent no. 1-8 : Mr. Tirtha Nandan Jha, Adv.

03 / 26.06.2020

Heard the parties through Video Conferencing.

Issue notice to the opposite party no. 9.

The petitioners are directed to file requisites for service of notice to the opposite parties in the matter of limitation under registered cover with A/D as well as under ordinary process within four weeks, failing which, this civil miscellaneous petition shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

List this civil miscellaneous petition after receipt of service report of notice issued to the opposite party no. 9.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-



IN THE HIGH COURT OF JHARKHAND AT RANCHI

C. M.P. No. 687 of 2019

M/s Central Coalfields Limited through Sri Ajay Singh The General  
Manager ... Petitioner  
Versus  
M/s Alok Coal Agency ... Respondent

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Guam Mustafa, Adv.

04 / 26.06.2020

Heard the parties through Video Conferencing.

The notice issued to the sole respondent has returned unserved.

The petitioner is directed to file fresh requisites for service of notice upon the sole opposite party under registered cover with A/D as well as under ordinary process within two weeks, failing which, this civil miscellaneous petition shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

List this civil miscellaneous petition after receipt of service report of notice issued to the sole opposite party.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 3412 of 2019

Md. Aslam & Anr. ... Petitioners  
Versus  
The State of Jharkhand ... Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. A. Rashidi, Adv.  
For the State : Addl. P.P.

06 / 26.06.2020

Heard the parties through Video Conferencing.

This criminal miscellaneous petition has been filed under section 482 Cr.P.C by the petitioner with a prayer for modification of the order dated 27.08.2019, passed in ABA No. 3626 of 2019.

It is submitted by the learned counsel for the petitioners that vide order dated 27.08.2019 passed in ABA No. 3626 of 2019, the petitioners were directed to surrender before the court below within four weeks but the petitioners could not arrange money for depositing the cash security amount within the stipulated time, hence they could not surrender within the stipulated time but in the meanwhile, the petitioner has deposited the cash security in the court below, the copy of which is kept at page 4 (annexure 1 ) of the supplementary affidavit of this case. It is therefore submitted that time to surrender before the court below in terms of the order dated 27.08.2019, passed in ABA No. 3626 of 2019 be extended for four weeks from the date of this order.

Considering the facts of the case and the submission of the learned counsel for the petitioners, the prayer for extension of time for the petitioners, to surrender in the court below in terms of the order dated 27.08.2019; passed in ABA No. 3626 of 2019 is allowed. The petitioners are directed to surrender before the court below "within

four weeks from the date of this order in terms of the order dated 27.08.2019, passed in ABA No. 3626 of 2019”.

The order dated 27.08.2019, passed in ABA No. 3626 of 2019 is modified to the aforesaid extent only.

This criminal miscellaneous petition is disposed of accordingly.

**(ANIL KUMAR CHOUDHARY, J.)**

Smita/-

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 3960 of 2019

Md. Junaid Idrisi @ Md. Junaid ... Petitioner  
Versus  
The State of Jharkhand & Anr. ... Opposite Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Shashi Bhushan Jha, Adv.  
For the State : Addl. P.P.  
For Opposite Party No. 2 : Mr. Binod Kumar, Adv.

04 / 26.06.2020

Heard the parties through Video Conferencing.

This criminal miscellaneous petition has been filed at the instance of the petitioners for restoration of A.B.A. No. 2354 of 2019 to its original file.

Learned counsel for the petitioners submits that the A.B.A. No. 2354 of 2019 was dismissed as the petitioner could not remove the defect within the stipulated time. It is then submitted that the petitioner has very good grounds to agitate in the anticipatory bail application and unless the same is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted the A.B.A. No. 2354 of 2019 be restored to its original file.

Learned counsel for the opposite party vehemently opposes the prayer for restoration of A.B.A. No. 2354 of 2019 and submits that the petitioner is deliberately delaying the matter only to harass the opposite party no. 2, who is the wife of the petitioner, hence, the opposite party no. 2 be compensated by way of cost.

Considering the aforesaid submission of the learned counsel for the petitioners, A.B.A. No. 2354 of 2019 is directed to be restored to its original file subject to payment of cost of Rs. 2,000/- by the petitioner to the opposite party no. 2 through his counsel appearing in the record within two weeks, failing which, this conditional order shall not be given effect to

and this criminal miscellaneous petition shall stand dismissed without further reference to the Bench.

In case, the petitioner files the proof of payment of Rs. 2,000/- to the opposite party no. 2 through learned counsel for the opposite party no. 2 appearing in the record, then A.B.A. No. 2354 of 2019 be restored to its original file and A.B.A. No. 2354 of 2019 be listed before an appropriate Bench within a week of the said payment.

This criminal miscellaneous petition is disposed of accordingly.

**(ANIL KUMAR CHOUDHARY, J.)**

Smita/-

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 4194 of 2019

Jahanabi Gosh @ Jahanbi Ghosh & Anr. ... Petitioners  
Versus  
The State of Jharkhand ... Opposite Party

**Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

For the Petitioner : Mr. Lukesh Kumar, Adv.  
For the State : Mr. Sardhu Mahto, Addl. P.P.

**02 / 26.06.2020**

Heard the parties through Video Conferencing.

This criminal miscellaneous petition has been filed under section 482 Cr.P.C by the petitioners with a prayer for modification of the order dated 18.11.2019 passed in 5272 of 2019.

It is submitted by the learned counsel for the petitioners that vide order dated 18.11.2019 passed in 5272 of 2019, the petitioners were directed to surrender before the court below within four weeks but the petitioners could not surrender within the stipulated time because of three consecutive holidays from 14.12.2019 to 16.12.2019 and therefore, it is submitted that time to surrender before the court below in terms of the order dated 18.11.2019 passed in 5272 of 2019 be extended for four weeks from the date of this order.

Considering the facts of the case and the submission of the learned counsel for the petitioners the prayer for extension of time for the petitioners to surrender in the court below in terms of the order dated 18.11.2019 passed in 5272 of 2019 is allowed. Hence, the petitioners are directed to surrender before the court below "within four weeks from the date of this order in terms of the order dated 18.11.2019 passed in 5272 of 2019".

The order dated 18.11.2019 passed in 5272 of 2019 is modified to the aforesaid extent only.

This criminal miscellaneous petition is disposed of accordingly.

**(ANIL KUMAR CHOUDHARY, J.)**

Smita/-

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. M.P. No. 4274 of 2019

Urmila Devi & Anr. ... Petitioners  
Versus  
The State of Jharkhand & Anr. ... Opposite Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Arun Kumar, Adv.  
For the State : Mr. Rakesh Kumar, Addl. P.P.  
For Opposite Party No. 2 : Mrs. Gauri Devi, Adv.

05 / 26.06.2020

Heard the parties through Video Conferencing.

This criminal miscellaneous petition has been filed under section 482 Cr.P.C by the petitioners with a prayer for modification of the order dated 19.09.2019 passed in ABA No. 6514 of 2019.

It is submitted by the learned counsel for the petitioners that vide order dated 19.09.2019 passed in ABA No. 6514 of 2019, the petitioners were given the privilege of anticipatory bail subject to showing the proof of deposit of 1,50,000/- in the name of the minor daughter of the deceased in a nationalized bank in fixed deposit, at least for a period of 5 years with renewal clause under the guardianship of the informant namely Dilip Prajapati. It is next submitted by learned counsel for the petitioner that birth certificate and *Aadhar* card of the minor daughter of the deceased- Salini Kumari could not be made available to the petitioner, hence, he is unable to deposit the said amount in the Fixed Deposit and to show his bonafide, the petitioner has prepared the Demand Draft drawn in favour of Salini Kumari / Dilip Prajapati and the petitioner is ready and willing to deposit demand draft of Rs. 1,50,000/- drawn in favour of Dilip Prajapati, hence, it is submitted that the order dated 19.09.2019 passed in ABA No. 6514 of 2019 be modified and the time for the petitioner to surrender before the court below in terms of the order dated

19.09.2019 passed in ABA No. 6514 of 2019 be extended for four weeks from the date of this order.

Considering the facts of the case and the submission of the learned counsel for the petitioners, the order dated 19.09.2019 passed in ABA No. 6514 of 2019 is modified to the extent that in case the petitioners surrender within four weeks from the date of this order and deposit a demand draft of Rs. 1,50,000/- drawn in favour of Dilip Prajapati, they shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each along with other conditions mentioned in the order dated 19.09.2019 passed in ABA No. 6514 of 2019.

The order dated 19.09.2019 passed in ABA No. 6514 of 2019 is modified to the aforesaid extent only.

This criminal miscellaneous petition is disposed of accordingly.

**(ANIL KUMAR CHOUDHARY, J.)**

Smita/-



