

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 6178 of 2021

Ananjay Kumar aged about 27 years s/o late Prasad Saw R/o
village Saraidih P.O. & P.S. Naudiha Bazaar District Palamau

.... .. **Petitioner**

Versus

The State of Jharkhand

... .. **Opposite Party**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Vishal Kr. Trivedi, Advocate

For the Opp. Party : Ms. Ruby Pandey, A.P.P.

Through Video Conferencing

04/10.09.2021 Heard Mr. Vishal Kr. Trivedi, learned counsel for the petitioner.

2. Heard Ms. Ruby Pandey, learned counsel appearing on behalf of the opposite party- State of Jharkhand.

3. Learned counsel for the petitioner submits that the petitioner is in custody in connection with Naudiha Bazar P.S. Case No. 03 of 2019 corresponding to S.T. Case No. 390 of 2019, registered under Sections 323/326/341/458/305/302/504/34 of IPC and Section 25(1-b)a/27/35 of Arms Act, now pending in the court of learned Additional Sessions Judge-VIII, Palamu at Daltonganj .

4. Learned counsel for the petitioner further submits that although the bail application of the petitioner was rejected by this Court on 29.08.2019 in B.A. No. 7149 of 2019, but he has renewed his prayer for bail. He submits that at the time of earlier bail application, it was not pointed out that the present First Information Report is hit by Section 162 of Code of Criminal Procedure, in as much as, an information was earlier given to the police and accordingly, the present First Information Report cannot be said to be an F.I.R. in the eyes of law.

5. The learned counsel for the petitioner has also submitted that although the petitioner is named in the First Information Report, but there is no specific allegation. He submits that charge was framed in

the month of January, 2020, but till now, no witness has been examined.

6. The learned counsel appearing on behalf of the opposite party-State, on the other hand while opposing the prayer for bail, has submitted that the bail application of the petitioner was rejected on merits on the last occasion and there are specific and direct allegations against the petitioner in the First Information Report itself. She also submitted that in the impugned order itself, it has been recorded that country-made pistol and two fired cartridges were seized from the house of the informant and the fire arms were found to be effective and sanction for prosecution has also been accorded by the District Magistrate.

7. Learned counsel for the State has further submitted that on account of COVID-19 situation, the witnesses could not have been examined, but at the same time, limited normal functioning of the Court has been started and the prosecution witnesses will be produced before the learned court below as and when dates are fixed for production of witnesses. She undertakes to communicate this order to the concerned officer of the State.

8. After hearing the learned counsel for the parties and considering the facts and circumstances of this case and direct allegation made against the petitioner in the First Information Report itself coupled with the fact that the case of the petitioner was earlier rejected on merits on 29.08.2019 in B.A. No. 7149 of 2019, this Court is not inclined to enlarge the petitioner on bail. Hence, this bail application is hereby rejected.

9. Let a copy of this order be communicated to the learned court below through "FAX".

(Anubha Rawat Choudhary, J.)

Pankaj/-