

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 4455 of 2020

Mahoob Ansari, S/o Mohammad Ansari @ Oli Mian Petitioner

Versus

The State of Jharkhand Opposite Party

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

For the Petitioner : Mr. A.K. Sahani, Advocate

For the State : Ms. Lily Sahay, A.P.P

02/Dated: 27/07/2020:

Heard, learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner has submitted that though there is defect(s) in the bail application as pointed out by the stamp reporter but he has file an undertaking that he shall remove the defect(s) after the lockdown period is over and the bail application may be heard as it is a regular bail in which petitioner is in custody since 10.01.2020.

Considering the same, this Court is inclined to hear the bail application on merit but with condition that petitioner shall remove the defect(s) after the lockdown period is over.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the lockdown period is over so as to remove the defect(s).

Learned counsel for the petitioner has prayed for grant of regular bail in connection with Sariya P.S. Case No.172 of 2019, for the offence under Section 392 IPC (subsequently, Sections 395, 412, 398 and 506 IPC have been added).

Learned counsel for the petitioner has submitted that miscreants have looted the informant and a case was initially registered under Section 392 IPC but subsequently, under Sections 395, 412, 398 and 506 IPC. Learned counsel for the petitioner has further submitted that in the confessional statement of the co-accused the name of the petitioner has not been transpired rather on the basis of suspicion petitioner was arrested. Police has recovered three pieces of jeans, two pieces of ladies suit, two pieces of sari and two pieces of frock, but those articles were not identified by the informant at the time of test identification parade of the articles as looted property, no test identification parade of the petitioner was held and petitioner is in custody since 10.01.2020, as such, he may be enlarged on bail.

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

submitted that it is a case of house dacoity and some articles have been recovered from possession of the petitioner, as such, the petitioner may not be enlarged on regular bail.

Considering the rival submissions of the parties, since the petitioner has not been put on test identification parade and the alleged article seized from the possession of the petitioner have not been identified as looted property and in the confessional statement of the co-accused the name of the petitioner has not been transpired and petitioner is in custody since 10.01.2020, as such, petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Giridih in connection with Sariya P.S. Case No.172 of 2019 on the following conditions:-

- (i) One of the bailors shall be deponent of the present petition namely, Nur Ansari, S/o Late Mangar Miyan, R/o Vill-Khakhhipiper, Baliya, P.O. Baliya, P.S. Birni, District- Giridih where UID No. is 345678503848.
- (ii) Office is directed to send photo copy of UID Card bearing No. 345678503848 of the deponent along with this order to the court below so as to verify the authenticity of the bailor.
- (iii) Another bailor shall be close relative of the petitioner.
- (iv) Petitioner shall appear before the learned trial court on each and every date fixed for his appearance, failing which the learned trial court shall cancel the bail bonds of the petitioner.
- (v) The Jail Authority shall release the petitioner only after his medical check-up.
- (vi) The Civil Surgeon, Giridih is directed to medically examine the petitioner at the time of his release and if require, petitioner shall be taken for quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.
- (vii) Petitioner shall also comply with all the guidelines issued by the Government to meet the challenges of Covid-19, as the country is passing through Pandemic of Covid-19.

(Kailash Prasad Deo, J.)