

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
(CRIMINAL MISCELLANEOUS JURISDICTION)
B.A. No. 4909 of 2020**

1. Mantu Singh
2. Arjun Singh Petitioners

Versus

State of Jharkhand Opposite Party

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

For the Petitioners : Mr. Sheo Kumar Singh, Advocate
For the State : Mrs. Vandana Bharti, A.P.P

02/Dated: 27/07/2020:

Learned counsel for the petitioners has submitted that though there are some defects in the bail application as pointed out by the stamp reporter but he has file an undertaking that he shall remove the defects after the lockdown period is over and the bail application may be heard as it is a regular bail in which petitioner No.1 is in custody since 04.01.2020 and petitioner No.2 is in custody since 08.01.2020.

Considering the same, this Court is inclined to hear the bail application on merits but with condition that petitioners shall remove the defects 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).

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

Learned counsel for the petitioners has prayed for grant of regular bail in connection with Chainpur P.S. Case No.197 of 2019, corresponding to G.R. No.1511 of 2019, for the offence registered under Sections 341/323/325/307/34 IPC and Under Section 3/4 Prevention of Witch (DAAIN) Practices Act.

Learned counsel for the petitioners has submitted that there is general and omnibus allegation against the petitioners and there is no specific or any overt act against these petitioners.

Learned counsel for the petitioners has further submitted that in the FIR it is alleged that five accused persons have assaulted the informant on his head by means of lathi and rod and caused two head injuries and also caused fracture upon clavicle bone. Learned counsel for the petitioners has further submitted that no specific averments, has been made so far these two petitioners are concerned and no case is made out under Section 307 IPC though the petitioner No.1 is in custody since 04.01.2020 and petitioner No.2 is in custody since 08.01.2020 and the charge-sheet has already been submitted.

Learned counsel for the petitioners has thus submitted that petitioners may be enlarged on bail considering the period of custody and no specific assault made by them.

Learned counsel for the State has opposed the prayer for bail and has submitted that this is a case registered under Section 307 IPC, as such, petitioners may not be enlarged on bail.

After hearing, learned counsel for the parties and perusing the materials brought on record, it appears that petitioner No.1 is in custody since 04.01.2020 and petitioner No.2 is in custody since 08.01.2020 and there is no specific or any overt act of assault against the petitioners rather omnibus allegation has been made in the FIR, which has been lodged against the five persons, as such, petitioners, named above, are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Palamau at Daltonganj in connection with Chainpur P.S. Case No.197 of 2019, corresponding to G.R. No.1511 of 2019, on the following conditions:-

(i) One of the bailors shall be deponent of the present case namely, Kiran Devi, W/o Arjun Singh, R/o Village- Kurka, P.O.+ P.S. Chainpur, Distt.-Palamau and having UID Number 328453972556.

Office is directed to send photo copy of the UID Card bearing No. 328453972556 of deponent along with this order to the court below so as to verify the authenticity of the bailor.

(ii) The Jail Authority shall release the petitioners only after their medical check-up.

(iii) The Civil Surgeon, Palamau at Daltonganj is directed to medically examine the petitioners at the time of their release and if require, petitioners shall be taken for quarantine, but if no such requirement is there, they shall be released forthwith, if not wanted in any other case.

(iv) Petitioners shall appear before the learned trial court on each and every date fixed for their appearance, failing which the learned trial court shall cancel the bail bonds of the petitioners.

(v) Petitioners 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.)