IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Criminal Miscellaneous Jurisdiction)
B.A. No. 4776 of 2020

Nesar Ansari, Son of Lukman Ansari ….. Petitioner

Versus

The State of Jharkhand ….. Opp. Party

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

For the Petitioner : Mr. Ashok Kumar, Advocate.
For the State : Mr. K.K. Mishra, A.P.P.

02/Dated: 10/08/2020

Heard, learned counsel, Mr. Ashok Kumar on the instruction of Mr. Syed Tafazzul Sajid, learned counsel for the petitioner.

Learned counsel for the petitioner has submitted that defect nos. 9 (i) & 9(ii), as per Stamp Reporting dated 06.07.2020, have not been removed, which he undertakes to remove within 30 days after the lock down period is over and the bail application may be heard, as it is a regular bail application of the petitioner.

Considering the same, this Court is inclined to hear the instant bail application on merits, but with condition that petitioner shall remove the defect(s) within 30 days after the lock down period is over.

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

Learned counsel for the petitioner has submitted that the petitioner has prayed for grant of regular bail in connection with Garhwa P.S. Case No. 25/2020 corresponding to G.R. No. 412/2020 for the offence registered under Sections 307/34 I.P.C. and Section 27 Arms Act.

Learned counsel for the petitioner has submitted that on the basis of suspicion, the informant has lodged F.I.R. against one Sonu Soni with whom he had hot exchange of words at a marriage reception.

Learned counsel for the petitioner has submitted that petitioner is not named in the F.I.R. nor has put on Test Identification Parade nor has any criminal antecedent and except his name transpired in the confessional statement of the co-accused Sonu Soni, there is nothing on record.

Learned counsel for the petitioner has submitted that charge-sheet has already been submitted and cognizance has been taken on 19.03.2020, as such, keeping the petitioner in custody will not give any benefit to the prosecution, who is in custody since 23.01.2020.

Learned counsel for the State, Mr. K. K. Mishra, Additional Public Prosecutor has opposed the prayer for bail and has submitted that court below has also rejected the regular bail application of other co-accused, as such, this Court may also reject the prayer for regular bail of the petitioner.

Learned counsel for the State has referred some of the paragraphs mentioned in the impugned order, but cannot satisfy the Court that what are the material referred in the case diary.

Considering the rival submissions of the parties, since the petitioner is not named in the F.I.R. nor he has been put on test identification parade and he has no criminal antecedent and his name transpired in the confessional statement of co-accused Sonu Soni and charge-sheet has already been submitted, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Garhwa P.S. Case No. 25/2020 corresponding to G.R. No. 412/2020 to the satisfaction of learned Chief Judicial Magistrate, Garhwa on the following conditions:

(i) One of the bailors shall be the deponent / parivikar of the present case namely, Md. Lukman Ansari, son of Abdulah Ansari, resident of Village-Unchari, Ward No. 1, P.O. & P.S. - Garhwa, District - Garhwa, who has furnished photocopy of his UID Card bearing number 3929 3644 0277 before this Court in the bail application.

Office is directed to send the photocopy of UID Card bearing no. 3929 3644 0277 of deponent alongwith this order to the court below so as to verify the authenticity of the bailor.

(ii) Another bailor shall be close relative of the petitioner i.e. father / mother / son / wife / brother.

(iii) Petitioner shall appear before the learned trial court on each and every date fixed for his appearance, failing which the trial court shall cancel the bail bonds of the petitioner.

(iv) The Jail Authority shall release the petitioner only after his medical check-up.

(v) The Civil Surgeon, Garhwa is directed to medically examine the petitioner at the time of his release and if he is infected with corona virus, he shall be taken for quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.

(vi) The petitioner shall follow all the guidelines issued by the Government to meet the challenges of Covid-19, as presently Country is passing through pandemic of Covid-19.

Accordingly, the instant bail application is allowed.

(Kailash Prasad Deo, J.)

Sunil-Jay/