IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 9758 of 2020

Sheru Sah @ Chandra Shekhar Sah … Petitioner
Versus
The State of Jharkhand ⋯ Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Durga C. Mishra, Advocate
For the State : Mr. S.K. Dubey, Addl. P.P.

Order No.02 Dated- 15.12.2020

Heard the parties through video conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has moved this Court for grant of bail in connection with Sessions Trial No. 129 of 2018 arising out of Dumka (Muffasil) P.S. Case No.06 of 2018 (G.R. No. 28 of 2018) registered under sections 376 of the Indian Penal Code.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner has committed rape upon the prosecutrix. It is further submitted that the allegations against the petitioner are all false and there is an inordinate delay in lodging the F.I.R. and though the alleged occurrence took place on 29.04.2017, the complaint was filed on 01.05.2017 which upon being referred to police under section 156(3) Cr.P.C., this case has been instituted. It is then submitted that the informant is a major lady having two children and as the petitioner is the friend of her husband of the informant with whom the informant is having strained relationship and suit to dissolve the marriage is pending between the informant and her husband in the court, hence this false case has been foisted against the petitioner. It is next submitted that the petitioner has been in custody since 20.05.2018 as has been mentioned in paragraph no. 13 of the bail application. It is lastly submitted that the petitioner

undertakes to cooperate with the trial of the case. Hence, it is submitted that the petitioner be admitted to bail.

The learned Addl. P.P. opposes the prayer for bail.

Considering the submissions of the counsels and the fact as discussed above, I am inclined to enlarge the above named petitioner on bail. Accordingly, 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 to the satisfaction of learned District & Additional Sessions Judge-II, Dumka, in connection with Dumka (Muffasil) P.S. Case No.06 of 2018 (G.R. No. 28 of 2018) with the condition that he will cooperate with the trial of the case.

(Anil Kumar Choudhary, J.)

Sonu-Gunjan/