IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 10276 of 2024

Nanhu Mochi, aged about 64 years, Son of Late Vihari Mochi, R/o Village- Haraiya, P.O. & P.S.- Panki, District- Palamau, Jharkhand.
.... Petitioner

Versus

The State of Jharkhand **.....** Opp. Party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Lal Vikaram Nath Shahdeo, Advocate.
For the State : Mr. Jitendra Pandey, A.P.P.

Order No. 03/Dated: 06th December, 2024

Heard learned counsel for the parties.

2. The petitioner has been made an accused in connection with Panki P.S. Case No. 35 of 2024, corresponding to G.R. No. 888 of 2024 and ST. No. 424 of 2024 registered for the offences punishable under Sections 307, 326, 503, 452 and 342 read with 34 of the I.P.C. and under Section 27 of Arms Act., pending in the Court of learned Additional Sessions Judge-V, Palamau at Daltonganj.

3. As per FIR, allegation is that on 28.03.2024 at about 09:30PM, informant along with her husband was sleeping at their home. In the meantime, petitioner along with co-accused persons came inside the house and shot bullet injury in the mouth of her husband and fled away. It if further stated that wife of the petitioner has given threatening to the informant her husband.

4. Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all as alleged in this case. Petitioner has been made accused only on the basis of confessional statement before the policy which has no evidentiary value as no incrimination article has been recovered from the possession of the petitioner. Petitioner has no criminal antecedent. The petitioner is languishing in Judicial Custody since 01.04.2024 without rhymes and reasons. Petitioner had earlier moved before this Hon'ble Court for grant of regular bail vide B.A. No. 5284 of 2024, but the same was rejected on 11.07.2024 by this Hon'ble Court. At present, other co-accused persons has been granted bail by the Co-ordinate Bench of

this court, vide order dated 22.10.2024 passed in B.A. No. 8138 of 2024. Petitioner undertakes to cooperate in the trial of the case by remaining physically present as and when required and shall not indulge in any manner in tampering with the prosecution evidences or influencing the witnesses of prosecution. Hence, the petitioner may be extended the privilege of bail.

5. On the other hand, learned Addl.P.P appearing for the State opposed the prayer for bail of the petitioner.

6. Regard being had to the facts and circumstances of the case, nature of allegation coupled with the materials available against the petitioner, particularly, the fact that co-accused Sushma Devi, who has the similar allegation has been granted bail by the Co-ordinate Bench of this Court, I am inclined to release the petitioner on regular bail. Accordingly, the petitioner named above is directed to be released on bail on furnishing of bail bond of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Palamau at Daltonganj in connection with Panki P.S. Case No. 35 of 2024, corresponding to G.R. No. 888 of 2024 and ST. No. 424 of 2024 subject to the conditions:-

(1) Petitioner shall remain physically present on each and every date till the conclusion of the trial of this case unless prevented from sufficient cause to the satisfaction of the learned Trial Court.

(2) Petitioner shall not indulge in any or other similar offence till the conclusion of the trial.

(3) Petitioner shall not indulge in tampering with the prosecution evidences or influencing the prosecution witnesses.

7. In case of violation of the aforesaid conditions, the bail of the petitioner shall be cancelled and shall be taken into custody by the learned Trial Court itself.

(Pradeep Kumar Srivastava, J.)

Simran/