
(2020) 08 JH CK 0072

Jharkhand High Court

Case No: Bail Application No. 5042 Of 2020

Bal Mukund Mirdha

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision: Aug. 11, 2020

Acts Referred:

- Indian Penal Code, 1860 - Section 302
- Code Of Criminal Procedure, 1973 - Section 164

Citation: (2020) 08 JH CK 0072

Hon'ble Judges: Kailash Prasad Deo, J

Bench: Single Bench

Advocate: Aashish Kumar, Rajneesh Vardhan

Final Decision: Allowed

Judgement

Heard, learned counsel for the petitioner, Mr. Aashish Kumar. Learned counsel for the petitioner has submitted that defect nos. 9(i) to 9(ii), as per

Stamp Reporting dated 10.07.2020, 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 Godda (T) P.S. Case No.

277/2019, for the offence registered under Section 302 I.P.C. against unknown.

Learned counsel for the petitioner has submitted that petitioner is not named in the F.I.R. nor there is any eye witness to the occurrence, rather on the

basis of statement recorded of two witnesses Niraj Kumar Mandal and Rajesh Kumar recorded under Section 164 Cr.P.C. the name of Biranjan

Yadav, Mukesh Mandal and this petitioner Bal Mukund Mirdha transpired in the case, who were taking ganja, but apparently those two persons

Niranjan Kumar Mandal and Rajesh Kumar are not eye-witness to the occurrence.

Learned counsel for the petitioner has submitted that Mukesh Mandal has been granted bail by Coordinate Bench of this Court vide order dated

01.07.2020 in B.A. No.3522 of 2020, but the considering the criminal antecedent of Biranjan Yadav, the Coordinate Bench has rejected the bail

application of the Biranjan Yadav vide order dated 30.06.2020 in B.A. No.3464 of 2020.

Learned counsel for the petitioner has submitted that this petitioner has no criminal antecedent, as such, his case falls with the case of Mukesh

Mandal, who has been granted bail by Coordinate Bench of this Court.

Learned counsel for the petitioner has submitted that petitioner is in custody since 11.02.2020, as such, he may also be enlarged on bail.

Learned counsel for the State, Mr. Rajneesh Bardhan Additional Public Prosecutor has opposed the prayer for bail, but has referred the memo

forwarded to him by the Officer-in-charge of Godda(T) P.S. where nothing has been specifically mentioned with regard to involvement of this

petitioner in the alleged offence.

Considering the rival submissions of the parties, since the case of Mukesh Mandal is similar to this petitioner, who has already been enlarged on bail,

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 Godda (T) P.S. Case No. 277/2019 to the satisfaction of learned Chief Judicial Magistrate, Godda on the following

conditions:

(i) One of the bailors shall be the deponent / parivikar of the present case namely, Narsingh Prasad Mirdha, son of nand Kishore Mirdha, resident of

Village - Amarpur, Godda Pathra, P.O. & P.S. - Godda, District - Godda, who has furnished photocopy of his UID Card bearing number 6497 5382

9258 before this Court in the bail application.

Office is directed to send the photocopy of UID Card bearing no. 6497 5382 9258 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 personal 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, Godda 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) State Authority shall be at liberty to file cancellation of bail of the petitioner, if any material collected against the petitioner, which has not been

brought to the knowledge of this Court.

(vii) 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.