

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**B.A. No. 11870 of 2019**

Balram Kumar @ Rahul Singh @ Sanjay Rout, aged about 40 years,  
S/o late Sher Bahadur Ray ... ... ... Petitioner

Versus

The State of Jharkhand ... ... Opposite Party

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**CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

For the Petitioner : Mr. Jitendra Nath Upadhyay, Advocate  
For the Opposite Party: Mr. Bhola Nath Rajak, A.P.P.

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**2/30.04.2020**

1. Heard Mr. Jitendra Nath Upadhyay, learned counsel appearing on behalf of the petitioner.
2. Heard Mr. Bhola Nath Rajak, learned A.P.P. appearing on behalf of the State.
3. Learned counsel for the petitioner submits that the petitioner is in custody since 02.11.2018 in connection with Adityapur P.S. Case No. 337 of 2017, corresponding to G.R. No. 1185 of 2017, for the offences registered under Sections 406,420 of the Indian Penal Code, pending in the court of learned Judicial Magistrate, 1<sup>st</sup> Class, Seraikella.
4. Learned counsel for the petitioner submits that prayer of the bail of the petitioner was earlier rejected on 05.07.2019 in B.A. No. 1613 of 2019. He further submits that charge has been framed in this case on 29.05.2019 and two witnesses including the informant have been examined in this case. The learned counsel submits that although he has two addresses shown in the petition, one at Patna and another at Ramgarh, the petitioner undertakes to remain at Ramgarh considering the COVID 19 Pandemic situation if the petitioner is released on bail. The counsel also submits that the petitioner is ready to deposit Rs. 2500/- in the '*Prime Minister's Citizens Assistance and Relief in Emergency Situations (PM CARES) Fund*' and he is also ready to download the Aarogya Setu App and shall abide

by the directions of the Central Government as well as State Government issued in connection with containment of Covid-19 pandemic.

5. In B.A. No. 4774 of 2018 ,B.A. No. 5951 of 2018 , B.A. No. 5946 of 2018 and also in B.A. No. 5988 of 2018 directions were issued to deposit certain amount in Chief Minister's Distress Relief Fund, Thiruvananthapuram, Kerala, as a condition for bail.

Similarly in B.A. No. 205 of 2019 and B.A No. 4205 of 2019 directions were issued to deposit certain amount in Army Welfare Fund Battle Casualties, New Delhi as a condition for bail.

Also, in A.B.A. No. 816 of 2020 dated 15.04.2020 direction was issued to deposit certain amount in Prime Minister's Citizens Assistance and Relief in Emergency Situations (PM CARES) Fund, as a condition for bail.

6. Counsel appearing for the State-opposite party on the other hand submits that the fact remains that the trial has commenced but considering the pandemic situation, witnesses cannot be examined at present.
7. After hearing learned counsel for the parties and considering the facts and circumstances of this case and also the situation emerging out of Covid-19 pandemic, this court is inclined to enlarge the petitioner on bail on his furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Seraikella, in connection with Adityapur P.S. Case No. 337 of 2017, corresponding to G.R. No. 1185 of 2017, on the following conditions:
  - (i) The petitioner shall show proof of payment of Rs. 25,00/- (Two thousand five hundred) in the '*Prime Minister's Citizens Assistance and Relief in Emergency Situations (PM CARES) Fund*' before the learned court below prior to his

release

- (ii) The petitioner shall download the 'Aarogya Setu App' immediately after being released from custody and shall abide by the directions of the Central Government as well as State Government issued in connection with containment of Covid-19 pandemic.
- (iii) The petitioner will give his mobile number before the learned court below which he will not change during the pendency of the case before the learned court below without prior permission of the court.
- (iv) Once regular functioning of the learned court below resumes, the petitioner shall fully co-operate with the proceedings and shall appear before the learned court below on each and every date and on account of even single default, his bail bond will be cancelled by the learned court below

8. The instant bail application is allowed with the aforesaid conditions.

9. Let this order be communicated to the court concerned through FAX.

**(Anubha Rawat Choudhary, J.)**

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