

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 6176 of 2022

Dilkash Roushan **Petitioner**

Versus

The State of Jharkhand**Opposite party**

With

B.A. No. 6194 of 2022

Arshad Hussain @ Tinku **Petitioner**

Versus

The State of Jharkhand**Opposite party**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Sheo Kumar Singh, Advocate

For the State : Mr. Sunil Kumar Dubey, A.P.P.

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Order No.05/ Dated:31.08.2022

Heard learned counsel for the parties.

The petitioners have been made accused in connection with Kandi P.S. Case No. 17 of 2022, registered for the offence under Section 457, 380 of the Indian Penal Code, pending in the court of learned JMFC, Garhwa.

As per F.I.R., allegation is that unknown persons at night have stolen the idol of Lord Radha-Krishna from the temple.

Learned counsel for the petitioners has submitted that petitioners are innocent and have committed no offence at all as alleged in the F.I.R. It is submitted other co-accused, namely, Md. Mahtab Alam @ Mahtab Alam in B.A. No.5944 of 2022 vide order dated 21st June, 2022 and Pankaj Kumar Ravi @ Chanchal Kumar Ravi @ Chanchal Kumar in B.A. No.

6041 of 2022 vide order dated 08.07.2022 have been granted bail by the Co-ordinate Bench of this Court. The case of the petitioners stand on better footing. There is no recovery in this case. Petitioners have been involved in this case only on the basis of confessional statement. The petitioners are languishing in Judicial custody since 21.02.2022 without rhymes and reasons. Petitioners undertake to co-operate 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 petitioners may be enlarged on bail.

Learned A.P.P appearing on behalf of State has opposed the prayer for bail of the petitioners and has submitted that there are sufficient materials against the petitioners showing their involvement in the present case, hence they do not deserve bail.

Regard being had to the facts and circumstances of the case and nature of allegation against the petitioners coupled with materials available against petitioners, I am inclined to release the petitioners, on bail. Accordingly, the petitioners, named above, are directed to be released on bail on furnishing of bail bond of Rs. 30,000/-(Rupees Thirty Thousand) each with two sureties of the like amount each, to the satisfaction of learned JMFC, Garhwa in connection with Kandi P.S. Case No. 17 of 2022 subject to the conditions:-

1. Petitioners 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. Petitioners shall not indulge in tampering with the prosecution evidences or influencing the prosecution witnesses.

In case of violation of the aforesaid condition the bail of the petitioners shall be cancelled and shall be taken into custody by the learned trial court itself for the purpose of trial.

(Pradeep Kumar Srivastava, J.)