

Simanto Bhakat @ Simanta Bhakat vs The State Of Jharkhand ... Opposite ... on 12 December, 2022

Author: Sanjay Prasad

Bench: Sanjay Prasad

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No. 848 of 2022

Simanto Bhakat @ Simanta Bhakat ... Petitioner

-Versus-

The State of Jharkhand ... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mr. Abhishek Singh, Advocate
For the State : Mr. Subodh Kumar Dubey, A.P.P.

Order No. 05/ Dated: 12.12.2022

I.A. No 10458 of 2022 has been filed on behalf of the petitioner for grant of bail .

2. This Criminal Revision 848 of 2022 has been filed on behalf of the petitioner by challenging the judgment dated 16.03.2022 passed by the learned Additional District and Sessions Judge-I, Ghatshila in Criminal Appeal (Juvenile) No. 33 of 2021 by rejecting the bail of the petitioner by which learned Additional District and Sessions Judge-I, Ghatshila who has dismissed the appeal by affirming the order dated 05.02.2019 passed by the Additional Chief Judicial Magistrate, Ghatshila in connection with Ghatshila P.S. Case No. 60 of 2017 corresponding to G.R. Case No. 292 of 2017 and Tr No. 101 of 2019 by which the petitioner alongwith three (03) other has been convicted for the committing the offence under section 392 of the I.P.C and sentence to undergo R.I. for a period of seven (07) year and pay the fine of Rs. 5,000/- each.

3 As per the F.I.R. it is stated that the informant Bishwajit Mahanta is posted in Bandhan Bank since January 2017 and earlier he was posted in Chakulia and Hata and his work is to facilitate opening of bank account, sanction of loan and group collection in village area and the date fixed for collection is Wednesday for Barajuri, Monday for Chalakdih, Tuesday for Benasole and on the date of occurrence at 07:30

-2 A.M. he had proceeded to Barajuri on his Bicycle with POS Machine, group register, account form loan form and other articles and his colleague Mihir Kumar Gope had also proceeded to Barajuri on his bicycle for Barajuri , Raghunathpur and Baliguma for gropu collection and after disposing of the

work at Barajuri he collected Rs. 82, 850/- and Mihir Kumar Gope collected Rs. 41,895/- and he kept Rs. 56,730/- in the back side of pocket and Mihir kept Rs. 15,335/- in the bag and from Barajuri at 1:30 P.M. they proceeded but within 10 minutes altogether 10 persons on five (05) motor cycle came and after over taking them, they pushed them and thereafter on the point of pistol they took Rs. 26,120/- from his possession and Rs. 15,305/- from the possession of Mihir, POS machine from both of them, his micro-max mobile phone of dual SIM group resister, account form, loan form and diary of Bandhan Bank were snatched and from the possession of Mihir and POS machine, group register, account form loan form etc. were also snatched.

4. Heard, learned counsel for the petitioner and learned counsel for the State.

5. It is submitted that the judgments and order passed by the learned Courts below are not sustainable in eye of law .It is submitted by the learned counsel for the petitioner that noting has been recovered from the possession of this petitioner and the petitioner has been arrested on mere suspicious . It is submitted that the petitioner has been named only the confession of co-accused namely Bhuneshwar Patro .

6. It is submitted that co-accused Bhuneshwar Patro @ Bhubeneshwar Patra has been granted bail by the Co-ordinate Bench of this Court vide order dated 13.02.2022 passed in Cr. Rev. No. 678 of 2019 and Co-accused Bishnu Pada Bhakat has been granted bail vide order dated 27. 02.2020 passed in Criminal Revision No. 873 of 2019 and co-accused namely Panchanan Patro has been granted bail in Criminal

-3 Revision 667 of 2020 vide order dated 22.06.2021 by the Co-ordinate Bench of this Court. It is submitted that the juvenile petitioner is in custody since 13.09.2017 i.e. more than five (05) years and three month and hence, the petitioner may be enlarged on bail.

7. On the other hand, the learned A .P.P. appearing for the State has opposed the prayer for bail and submitted that the case of robbery , and the petitioner had identified by the informant during T.I. Parade and hence , prayer for bail may be rejected.

8. Perused the scanned copies of the Lower Court Records of this case and order passed by the Co-ordinate Bench of this Court and considered the submission of both the sides.

9. It appears from the record that the F.I.R. was lodged against the unknown. However, during course of the investigation , the police arrested Bhuneshwar Patro @ Bhubeneshwar Patra and had recorded his confessional statement . It appears that the informant has identified all the four (04) accused persons including this petitioner where as the other witness namely Mihir Kumar Gope had not identified any accused persons . It also transpires that the learned Court below had acquitted the petitioner for the offence under section 411 of I.P.C. It appears that the three (03) co- convicts co-accused Bhuneshwar Patro @ Bhubeneshwar Patra has been granted bail by the Co-ordinate Bench of this Court vide order dated 13.02.2022 passed in Cr. Rev. No. 678 of 2019 and Co- accused Bishnu Pada Bhakat has been granted bail vide order dated 27. 02.2020 passed in Criminal Revision No. 873 of 2019 and co-accused namely Panchanan Patro has been granted bail in Criminal Revision

667 of 2020 vide order dated 22.06.2021 by the Co-ordinate Bench of this Court. It appears that the petitioner is in custody since 13.09.2017 i.e. more than five (05) years and three month.

10. Considering the period of custody of the petitioner and on the fact and in the circumstance of this case and grant of bail other three

-4 convicts by the Coordinate Bench of this Court, the petitioner namely Simanto Bhakat @ Simanta Bhakat is directed released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate , Ghatshila in connection with Ghatshila P.S. Case No. 60 of 2017 corresponding to G.R. Case No. 292 of 2017 and Tr No. 101 of 2019 and one of the bailors must be relative.

11. Thus, I A. No. 10458 of 2022 is allowed and stands disposed of.

Admit.

Issue notice.

Lower Court Record has already been received.

(Sanjay Prasad, J.) Bibha/