

Sumit Kumar vs The State Of JharkhandOpposite ... on 29 August, 2022

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 5407 of 2022

Sumit Kumar

..... Petitioner

Versus

The State of Jharkhand

.....Opposite party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Amit Kumar Verma, Advocate For the State : Mr. Vijay Kumar Sinha, A.P.P.

.....

Order No.05/ Dated:29.08.2022 Heard learned counsel for the parties.

The petitioner has been made an accused in connection with Jasidih P.S. Case No. 304 of 2020 corresponding to G.R. No. 1045 of 2020, registered for the offence under Section 392 of the Indian Penal Code, pending in the court of J.M., Deoghar.

F.I.R. has been registered for robbery of the motorcycle of the informant on 27.06.2020 at about 9:30 p.m., when he reached just ahead of Manikput Upadhyay Petrol Pump, Jasidih passing through dense forest area. It is alleged that unknown miscreants riding on two motorcycle surrounded the informant, dashed him and robbed the wrist watch, silver chain and motorcycle.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all as alleged in the F.I.R. rather his name has appeared only on the basis of confessional statement of co-accused and self confessional statement did not lead to any recovery. No T.I.P has been conducted and nothing has been recovered from the conscious possession of the petitioner. Trial is pending and charge has been framed on 22.08.2022 recently. The petitioner is languishing in Judicial custody since 09.10.2020 without any rhymes and reasons. Petitioner undertakes 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 petitioner may be enlarged on bail.

Learned A.P.P appearing on behalf of State has opposed the prayer for bail of the petitioner and submitted that during course of investigation the robbed motorcycle was recovered by Lakhisharai Police while miscreants fled away leaving the stolen motorcycle. On the basis of secret information, present petitioner was arrested and has confessed his guilt and his involvement in the commission of the alleged offence. Petitioner has several criminal antecedents of similar offences. hence petitioner does not deserve bail.

Considering the facts and circumstances of the case and nature of offence committed by the petitioner, criminal antecedent report showing five cases predicted against the petitioner of robbery and abduction, I am not inclined to release the petitioner on bail at present stage of proceeding, which stands rejected. However, learned trial court is directed to conclude the trial within six months from the date of this order, otherwise, petitioner shall be at liberty to renew his prayer for bail.

(Pradeep Kumar Srivastava, J.) R.K.