

Ram Nath Baid @ Gulla vs The State Of Jharkhand ... Opposite ... on 11 August, 2022

Author: Sanjay Prasad

Bench: Sanjay Prasad

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Rev. No. 181 of 2022

Ram Nath Baid @ Gulla @ Raja ... Petitioner

-Versus-

The State of Jharkhand ... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

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

Order No. 07/ Dated: 11.08.2022 I.A. No. 4976 of 2022 has been filed on behalf of the petitioner for grant of bail.

2.This Criminal Revision has been filed on behalf of the petitioner challenging the judgment dated 29.01.2022 passed in Criminal Appeal No. 05 of 2021 passed by the learned Additional Sessions Judge - II, Dumka in connection with Dumka Town P.S. Case No. 190 of 2020 corresponding to G.R. No. 1060 of 2020 , T.R. No. 1332 of 2021 by which learned Additional Sessions Judge -II Dumka has dismissed the appeal and upheld the judgment of conviction and order of sentence dated 29.07.2021 passed by the learned Chief Judicial Magistrate, Dumka has convicted the petitioner of the offence under section 392 / 34 of I.P.C. and sentenced him to undergo R.I. for the period of three (03) years and pay the fine of Rs. 10,000/- and in default he has been sentenced to undergo S.I. for six months for the offence under section 392 /34 of IPC.

3.Heard learned counsel for the petitioner and learned counsel for the State.

4.It is submitted by the learned counsel for the petitioner that the F.I.R. was lodged against the

unknown persons and the petitioner has not been identified during trial . It is submitted that although P.W. 9 is the informant and P.W.9 had identified two other accused persons through the video conferencing but he had not identified this petitioner.

-2 It is submitted that the Khalasi, who is alleged to have been threatened by this petitioner has not been examined. It is submitted that petitioner is in custody from during trial before the learned Court below i.e. more than eight (08) months and he is also in custody from 01.04.2022 to till date i.e. four (04) months, thus he is in custody for arrested one (01) year and hence the petitioner may be enlarged on bail.

5. On the other hand, the learned A.P.P. appearing for the State has opposed the prayer for bail and submitted that the informant had identified the other accused and hence prayer for bail of the petitioner may be rejected.

6. perused the Lower Court Record of this case and considered the submission both the sides.

7. It transpires that this is a case of committing robbery. It is transpired that although the F.I.R. was lodged against the unknown persons . However during investigation, the informant had identified all the three (03) accused persons including this petitioner during T. I. Parade and even during trial while examined as P.W. 9 i.e. the informant, it would appear that the informant had identified this petitioner also.

8. In view of the above, I am not inclined to grant bail to the petitioner at this stage. Accordingly, his prayer for bail is hereby, rejected.

However the Petitioner may renew his prayer for bail after completion of half of sentence .

Cr. Rev. No. 181 of 2022 Admit.

Issue Notice.

Put up this case after six months .

(Sanjay Prasad, J.) Bibha/