

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.3904 of 2023

Sanjay Pramanik Petitioner
Versus
The State of Jharkhand Opp. Party

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. Sarvendra Kumar, Advocate
For the State : Mr. Suraj Deo Munda, APP

03/11.08.2023 Heard learned counsel for the applicant and learned A.P.P. for the State.

2. This second bail application has been filed on behalf of the abovenamed applicant with prayer to release on bail in connection with Ichagarh P.S. Case No.54 of 2021, corresponding G.R. No.349/2022 (S.T. Case No.128/2022) registered under Sections 302/201/120B/34 of the Indian Penal Code pending in the court of learned Additional Sessions Judge, Chandil.

3. Learned counsel for the applicant has submitted that after rejection of the first bail application, the trial has commenced and the witnesses who were examined before trial court, their deposition statement have been annexed with this bail application. PW1 and PW2 both have turned hostile. It is also further submitted that after rejection of the first bail application of the applicant, the co-accused Manoj Machhua and Bashupuran @ Basudev Puran have been granted bail in B.A. No. 2997 of 2023 vide order dated 23.06.2023 by co-ordinate Bench of this Court.

4. Learned A.P.P. appearing for the State has vehemently opposed the contentions made by the learned counsel for the applicant.

5. From the record, it is evident that the first bail application of the applicant Sanjay Pramanik was rejected in B.A. No. 9934 of 2022 vide order dated 22.11.2022 on merit by this Bench.

6. After rejection of first bail application of the applicant if during trial witnesses who were examined have turned hostile, their testimony cannot be evaluated or appreciated at the time of disposal of the second bail application. So far as the bail granted to the co-accused in B.A. No. 2997 of 2023 vide order dated 23.06.2023 is concerned, the same can also be not

claimed as a ground of parity, at the time of the second bail application, more so, when the first bail application of the applicant was rejected vide order dated 22.11.2022 on merit.

7. In view of above, the second bail application of the applicant is hereby rejected.

(Subhash Chand, J.)

RKM