

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.9743 of 2021

Rajiv Kumar Singh@ Rajeev Kumar Singh ... Petitioner
-Versus-
The State of Jharkhand ... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD
[Through Video Conferencing]

For the Petitioner : Mrs. Jasvinder Mazumdar, Advocate
For the State : Mr. Rajesh Kumar, A.P.P.

Order No.05

Dated 26th November 2021

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

The petitioner is an accused in connection with Kadma P.S. Case No.73 of 2021, corresponding to G.R No.1173 of 2021, registered for the offence under Sections 406/420/270/188/34 of the Indian Penal Code and Sections 40/41/42/43 of the Clinical Establishment (Registration and Reg) Act, 2010 and Section 55 of National Disaster Management Act, 2005 and Section 3 of Epidemic Act 1897.

It is submitted that the petitioner is innocent. It is submitted that the petitioner has been remanded in this case on the basis of the confessional statement of co-accused namely, Dr. Rajesh Mohanty for purchasing the Rapid Antigen Test Kits from the shop of this petitioner, although, one Bistupur P.S. Case No.109 of 2021 has already been instituted against this petitioner. It is submitted that the petitioner is one of the suppliers and has got valid licence and the name of the petitioners' firm is Deva Scientific and in support of his submission, learned counsel for the petitioner has filed one another supplementary affidavit on 20.11.2021 enclosing with licence of his shop with effect from 01.01.2017 to 31.12.2021 to make the supply of RAT Kits and for which Form-21C has been issued by Licensing Authority, State Drugs Control Directorate, East Singhbhum. It is submitted that the petitioner had supplied the RAT Kits to M/s. Tinplate Company of India Limited on 15.04.2021 and Annexures-2 and 2/1 enclosed with this Bail Application are the Purchase Order and Tax Invoice. It is further submitted that from the 2nd supplementary affidavit dated 20.11.2021, Annexure-3 would show that the petitioner has supplied various articles to Ankur Pathology from 01.01.2020 to till 23.04.2021. It is submitted that the main accused namely, Dr. Rajesh Mohanty has already been granted bail by the Co-ordinate Bench of this Court in B.A. No.12502 of 2021 vide order dated 05.10.2021. It is further submitted that other co-accused person namely, Prakash Chhatriya @ P. Chhatriya has also been granted bail by the Co-ordinate Bench of this Court in B.A. No.9002 of 2021 vide order dated 29.09.2021. It is further submitted that other co-accused person namely, Prashant Kumar has also been granted bail by the Co-ordinate Bench of

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this Court in B.A. No.9028 of 2021 vide order dated 29.09.2021. It is further submitted that other co-accused person namely, Nupur Dey has already been granted bail by the Co-ordinate Bench of this Court in B.A. No.8375 of 2021 vide order dated 13.09.2021. It is further submitted that other co-accused person namely, Suchita Lakra has already been granted bail by this Court in B.A. No.9836 of 2021 vide order dated 28.10.2021. It is further submitted that other co-accused person namely, Anupama Rajak @ Anuparna Rajak has already been granted bail by the Co-ordinate Bench of this Court in B.A. No.8660 of 2021 vide order dated 21.09.2021. It is further submitted that the petitioner is in custody since 31.05.2021 and hence, he may be enlarged on bail.

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On the other hand, learned counsel for the State prays for time to file counter affidavit, although time was granted to him 21.10.2021 but till date counter affidavit has not been filed. It is submitted by the learned counsel for the State that the petitioner is the supplier of RAT Kits to Ankur Pathology who was not authorized to conduct the Test. It is further submitted that the petitioner had confessed his guilt for supplying the RAT kits to the Diagnostic Centre of Dr. Rajesh Mohanty in his confessional statement recorded in Bistupur P.S case No.109 of 2021. It is submitted that other witnesses have also supported the supply of RAT kits to the Diagnostic and Research Centre of Dr. Rajesh Mohanty. Hence, this Bail Application is fit to be rejected.

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Perused the F.I.R, the case diary and the impugned order passed by the learned Court below and also orders passed by the Co-ordinate Bench of this Court and also supplementary affidavit dated 28.10.2021 and 2nd supplementary affidavit dated 20.11.2021 respectively.

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It appears from the FIR that co-accused person namely, Dr. Rajesh Mohanty is said to have obtained the RAT Kits from the shop of this petitioner on higher rate. It also appears that the petitioner is the owner of Deva Scientific shop and used to supply Medical kits including the RAT Kits to its various customers from time to time including the Ankur Pathology which belongs to one Dr. Rajesh Mohanty who is also co-accused in this case. It also appears from Annexure-2 at page-25 of the present bail application that the petitioner was arrested in connection with Bistupur P.S Case No.109 of 2021 and he was granted bail by the learned Chief Judicial Magistrate, Jamshedpur on 04.06.2021. It also appears that co-accused Dr. Rajesh Mohanty has already been granted bail by the Co-ordinate Bench of this Court in B.A. No.12502 of 2021 vide order dated 05.10.2021. It also appears that that other co-accused person namely, Prakash Chhatriya @ P. Chhatriya has already been granted bail by the Co-ordinate Bench of this Court in B.A. No.9002 of 2021 vide order dated 29.09.2021. It also appears that other co-accused person namely, Prashant Kumar has already been granted bail by the Co-

ordinate Bench of this Court in B.A. No.9028 of 2021 vide order dated 29.09.2021. It also appears that that other co-accused person namely, Nupur Dey has already been granted bail by the Co-ordinate Bench of this Court in B.A. No.8375 of 2021 vide order dated 13.09.2021. It also appears that other co-accused person namely, Suchita Lakra has already been granted bail by this Court in B.A. No.9836 of 2021 vide order dated 28.10.2021. It also appears that other co-accused person namely, Anupama Rajak @ Anuparna Rajak has already been granted bail by the Co-ordinate Bench of this Court in B.A. No.8660 of 2021 vide order dated 21.09.2021. It also appears from the 2nd supplementary affidavit dated 20.11.2021 that the petitioner has been provided License Retention Letter by the Licencing Authority, State Drugs Control Directorate, East Singhbhum for supplying the Medical kits. It also appears that Annexure-1 at page-9 & 10 including Form-C are issued in the name of the petitioner and it shows that his license has been renewed with effect from 01.01.2017 to 31.12.2021. It also appears that from Annexure-3 that the petitioner has supplied various other articles to Ankur Pathology.

Considering the period of custody of the petitioner and on the facts and circumstances of this case and also in view of grant of bail to the other co-accused persons by the Co-ordinate Benches of this Court, the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Jamshedpur in connection with Kadma P.S. Case No.73 of 2021, corresponding to G.R No.1173 of 2021, subject to the condition that one of the bailors must be own relative of the petitioner having landed property in his/her name and other bailor should be relative of the petitioner and the petitioner must present on the date of framing of charges in the Court below.

The petitioner shall co-operate during the trial and shall not leave the District of Jamsedpur without prior intimation to the learned Court below as well as the police officials.

(Sanjay Prasad, J.)

Raja/-