

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 6416 of 2018

With

B.A. No. 5976 of 2018

With

B.A. No. 5389 of 2018

With

B.A. No. 6346 of 2018

Bilotiya Devi	—	... Petitioner(B.A. No. 6416/2018).
Idu Ansari		... Petitioner(B.A. No. 5976/2018).
Abid Ansari @ Aabid Ansari		... Petitioner(B.A. No. 5389/2018).
Wakil Ansari @ Rojan Ansari		... Petitioner(B.A. No. 6346/2018).

Versus

The State of Jharkhand

... Opp. Party(s).

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

For the Petitioner(s) : M/s Upendra Nath Mahto, Sardhu Mahto,
Rashmi Kumari, Awnish Shankar, Advocates.

For the State : A.P.P.

For the informant : Mr. Ashraf Ansari, Advocate.

05/31.08.2018: Heard the counsel for the parties.

Learned A.P.P opposes the prayer for bail.

The petitioners are accused for the offence punishable under Sections 302, 120B, 34 of the Indian Penal Code, in connection with Mandu P.S. Case No. 38/2018, corresponding to G.R. No. 208/2018, pending in the court of learned ACJM, Ramgarh.

It is alleged that the daughter of the informant was murdered.

The counsel appearing on behalf of petitioner- Bilotiya Devi submits that there was a dispute between the deceased and this petitioner as the son of Bilotiya Devi was murdered for which, the deceased was taken into custody and later on, she was released on bail. He further submits that because of the said dispute, this petitioner has falsely been implicated in this case. He further submits that Bilotiya Devi is a 75 year old lady and there is nothing on record which suggests that this petitioner has committed the offence or has conspired with the other accused persons.

Counsel for the petitioner- Idu Ansari submits that till date there is no evidence on record, which suggest that this petitioner was involved or conspired with other accused persons.

Counsel appearing for the petitioner- Aabid Ansari submits that eye witnesses have not taken the name of this petitioner and he has not been identified in T.I. Parade rather this petitioner has been identified in Police Station. The same is the submission made by the counsel appearing on behalf of petitioner- Wakil Ansari.

Learned counsel for the petitioners appearing in all cases relying upon the order passed in B.A. No. 4077 of 2018, in which, Sahdeo Sao and Mukesh Sahu @ Mukesh Sao have been enlarged on bail by a co-ordinate Bench of this Court

submits that these petitioners may be enlarged on bail on the ground that similar allegations are levelled against them.

Learned A.P.P assisted by the counsel appearing on behalf of informant opposes the prayer for bail and submits that there is eye witness of this case, who gave detailed description of the occurrence. As per him, three accused persons entered into the school and committed the murder of the deceased by strangulation and also gave dagger blow. He further submits that there are cogent evidences which suggest that Bilotiya Devi, the mother-in-law of the deceased, had hired the accused persons, who committed the murder of the deceased.

After hearing the counsel for the parties, I find that the statements of eye witness were recorded in para 13 of the case diary in which, description has been given as to how the murder has taken place by three persons. Para 26 and 27 of the case diary are the statement of two minor daughters of the deceased who stated that their grand mother had conspired and appointed the killers who committed murder of their mother. In para 27 of the case diary the statement of the daughter has been recorded. It is apparent that she heard the conversation between her grand mother and one of the killers, who was hired by paying money, about the plan for the murder of deceased. Further from paragraph 109 of the case diary, I find that the eye witnesses after seeing Wakil Ansari and Aabid Ansari, have identified them as the persons who have committed the murder of the deceased. Further from postmortem report, it is clear that there was dagger injury also, which commensurates with the statements of the eye witnesses, who have given the vivid description of the offence. Idu Ansari was regularly talking with mother in-law of the deceased, which prima facie establishes conspiracy angle. Further the finger prints, taken from the place of occurrence, matched with the finger prints of two accused persons namely Aabid Ansari and Wakil Ansari. Thus, I find that the case of the petitioners is on a different footing to that of the case of persons, who have been granted bail by a coordinate Bench of this Court in B.A. No. 4077 of 2018.

In view of the aforesaid facts, I am not inclined to release the petitioners on bail. Accordingly, the prayer for bail of the petitioners, above named, is **rejected**.