

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 8279 of 2018
With
B.A. No. 8212 of 2018
With
B.A. No. 8526 of 2018

Shashi Singh @ Sashi Singh .. Petitioner(in BA No. 8279 of 2018).
Prakash Sharma @ Chhotu Sharma .. Petitioner(in BA No. 8212 of 2018)
Umar Ali .. Petitioner(in BA No. 8526 of 2018)
Versus
The State of Jharkhand ... Opp. Party(in all cases).

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

For the Petitioner(s) : M/s Vandana Singh, Ashok Kr. Ray, A.K. Choudhary,
Advocates.
For the State : Mr.R.R.Mishra, G.P.-II
M/s Mukesh Kumar, Suraj Mohan, P.K.Appu, A.P.P.
For the informant : Mr. Lalit Yadav, Advocate.

03/31.10.2018: The petitioners are accused for the offence punishable under Section(s) 302/307 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that the informant and his brother- Ramesh Kumar Hari (deceased) were going to his house in a Tempo. Suddenly, Vijay Kumar Mandal along with 8-10 unknown persons came and started indiscriminate firing upon them in which, the brother of the informant died whereas, one Munna Singh sustained injury and later on he also died.

Counsel for the petitioners submits that admittedly the petitioners were not present at the place of occurrence. It is further submitted that they were arrested along with other accused persons at Kolkata. It is also submitted that save and except the fact that the petitioners were arrested from Kolkata along with one Sachin Charan Mishra, who is said to be a conspirator of the crime, there is nothing against them.

Mr. R.R.Mishra, learned G.P.-II assisted by the learned A.P.P opposes the prayer for bail and submits that during investigation, the statements of several persons including Raja Kumar and Vijay Kumar Mandal were recorded in which, it has been stated that the petitioners are the associates of one Sachin Charan Mishra, who gave Rs. two lakhs, two pistol and 18 live cartridges to Raja Kumar to commit the offence. Vijay Kumar Mandal also stated that Sachin Charan Mishra was interested in taking over the land of the deceased which is apparent from the fact that he had entered into an agreement with a developer to develop the land. He further submits that the accused- Sachin Charan Mishra hatched a conspiracy with Raja Kumar and Vijay Kumar Mandal with a view to get the deceased murdered and these petitioners are their associates .

Counsel for the informant also supports the statements as advanced by the learned G.P.-II.

The Chargesheet has already been submitted against the petitioners. Photocopy of chargesheet has been produced by the learned counsel for the petitioner, which has been kept on record. After going through the chargesheet, I find that there are five witnesses; one of them is the informant and other three witnesses are the family members of the deceased and the fifth is the I.O. of this case. Even the Doctor has not been shown as chargesheet witness. None stated about the presence of these petitioners at the place of occurrence. The prosecution is trying to establish the guilt only on the basis of confessional statement of co-accused before the police.

Since, the petitioners have been arrested from Kolkata with one Sachin Charan Mishra, who is said to be a conspirator in this case, there is no other legal material against the petitioners, I am inclined to release the petitioners on bail. Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Deoghar, in connection with Rikhiya P.S. Case No. 72/2018, corresponding to G.R. No. 1149/2018.