

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 6491 of 2021

Babu Raja @ Chandra Prakash
@ Babu @ Sidharath Singh **Petitioner**
Versus
The State of Jharkhand **Opposite Party**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Indrajit Sinha, Advocate
For the State : Ms. Snehlika Bhagat, A.P.P.
For the Informant : Mr. M. B. Lal, Advocate

06/08.09.2021 Defect no. 9(i) as pointed out by the office is ignored.

Heard Mr. Indrajit Sinha, learned counsel for the petitioner, Ms. Snehlika Bhagat, learned A.P.P. for the State and Mr. M. B. Lal, learned counsel appearing for the informant.

The petitioner is an accused in connection with S. T. Case No. 53 of 2021 arising out of Bankmore P.S. Case No. 216 of 2020.

It has been alleged that on 19.08.2020, the informant received an information that his younger brother Satish Kumar Singh has been shot by some unknown person at Vikash Nagar, Bankmore, Dhanbad. When the informant reached P.M.C.H., he came to know that his brother has already died. It has further been stated that the informant could come to know that his brother had got down from the vehicle and was talking on his mobile when four persons on two motorcycles had appeared and one of the assailants has shot at the deceased on his forehead from a point blank range.

It has been submitted by Mr. Indrajit Sinha, learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Learned counsel submits that the C.C.TV footage has not ascertained the presence of the petitioner as the bikers were wearing helmet. Learned counsel submits that save and except the concessional statement of the co-accused and the subsequent confession of the petitioner as well as the tower location of the mobile of the petitioner, there is no other evidence which would indicate that it was the petitioner who had shot at the deceased.

Mr. M. B. Lal, learned counsel appearing for the informant has opposed the prayer for bail of the petitioner and has stated that there are strong circumstances which indicate that it was the petitioner who had shot at the deceased. Mr. Lal submits that consequent to the confessional statement of the petitioner a pistol was recovered. It has also been stated that the petitioner has got criminal antecedent.

Ms. Snehlika Bhagat, learned A.P.P. for the State while referring to the various paragraphs of the case diary has stated about the active participation of the petitioner in committing the murder. Ms. Bhagat has also stated that the various articles seized from the place of occurrence have already been sent to the Forensic Science Laboratory. She submits that in view of the recovery made on the disclosure of the petitioner and the confessional statement of the other accused persons it would be absolutely clear that the petitioner was involved in the commission of the murder of the brother of the informant.

The argument advanced by the learned counsel for the respective parties have been considered and the case diary which has been sent through e-mail by the learned A.P.P. has also been perused. Admittedly, the petitioner is not named in the First Information Report. It appears from paragraph – 113 of the case diary that as per the C.C.TV footage the deceased Satish Kumar Singh was walking on the road while talking on his mobile at which two motorcycles had come very near to Satish Kumar Singh and the pillion rider of a pulsar motorcycle had shot at Satish Kumar Singh. In course of investigation, one Lalan Kumar Das @ Lalan Das was apprehended by the police and on verification of his mobile several numbers were found with which the said accused had conversed which included mobile number 9508168636 which on verification was found to be in the name of Raja Babu Suraj Prakash. Paragraph – 189 of the case diary reveals that Raja Babu Suraj Prakash had disclosed that he is the brother of the petitioner and since the petitioner did not have an Aadhar card, two SIMs were taken in the name of Raja Babu Suraj Prakash which, however, was

being used by the petitioner. The confessional statement of Uttam Mahto was recorded at paragraph – 225 of the case diary in which he had disclosed that it was the present petitioner who had shot point blank at the deceased. The petitioner on being apprehended had also given a confessional statement which finds place at paragraph – 226 of the case diary. It appears that on the confession of Uttam Mahto and the present petitioner one country made pistol, four live cartridges, a Honda Shine motorcycle and a Samsung mobile were recovered. The petitioner appears to have several criminal antecedents as recorded at paragraph – 237 of the case diary. The bail application of one of the co-accused namely Lalan Kumar Das @ Lalan Das has already been rejected by this Court in B.A. No. 2097 of 2021.

On consideration of the aforesaid facts, there does appear to be a strong circumstance indicating the participation of the petitioner in the commission of murder of the brother of the informant. In such view of the matter, therefore, I am not inclined to grant bail to the petitioner and his prayer for bail is, hereby, rejected.

(Rongon Mukhopadhyay, J.)