

In the Court of Special Judge SC/ST (POA) Act , Purnea

Special SC/ST Case No.-128 of 2019

C.I.S No. 128 of 2019

State Versus Chandan Sharma @ Chandan Das

O R D E R

Dated : 21.09.2020

1. The Bail Petition, filed on behalf of petitioner Chandan Sharma @ Chandan Das in Special SC/ST Case No.-128 of 2019, arising out of Jalalgarh PS Case No. 134/2019, u/s.- 302/34 of IPC & Section 3 (i)(r), 3(2)(r), 3 (2)(V) of SC/ST Act, is put up for hearing.

2. Heard learned Advocate, Sri Dhananjay Kumar Dubey for petitioner and learned Spl. P.P Sri Arun Kumar Paswan on behalf of State.

3. The learned counsel of the petitioner submitted that no any other regular or anticipatory bail petition of this petitioner is pending in any court. Petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner is not named in FIR. His name transpires in this case on instruction of spy as per para 29 of case diary. The theft motorcycle of deceased was recovered from one co-accused Shubham Kumar, who named Chotu Kumar @ Chotu Mandal in his confessional statement. The petitioner come in light in confessional statement of co-accused which has got no force in eye of law. The petitioner is innocent and there is no direct evidence in entire case diary against this petitioner. The petitioner is languishing in Judicial custody since 14.11.2019 and prays for bail.

4. The learned A. P.P. vehemently opposed the prayer of bail.

5. The prosecution story in brief is that one Bokiya @ Babita Devi gave her fardbayan before police on 14.10.2019 stating therein that on 13.10.2019 at about 11 PM, her husband Pappu Ram, went with his friends Sonu Kumar Mahto on his motorcycle to visit fair of Laxmi Puja at village Bishwnath. Both of them return from fair with sweets and have it and both went out. When her husband did not return then she started search and try to contact on his mobile. In morning about 9.30 AM, she heard that one dead body was found near canal. When she went there she found dead body of her husband and his motorcycle was missing. She suspect that her husband has been killed by Sonu Kumar Mahto. Accordingly FIR was lodged.

6. Heard both the parties and gone through the case record, from which it transpires that this petitioner is not named in FIR. The FIR was lodged on fardbayan of wife of deceased Pappu Ram. From P.O. the motorcycle of deceased was missing, which was seized by Khat police

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from one co-accused Shubham Kumar. Shubham Kumar disclosed the name of Chotu Kumar @ Chotu Mandal. Chotu Mandal in his confessional statement as in para 45 disclosed the name of this petitioner. Petitioner Chandan Sharma @ Chandan Das was arrested. He disclosed the entire episode of the occurrence and confessed his guilt. He also disclosed that Madhav Sharma assaulted with Dabiya on the head of Pappu Ram near Canal. The crime committed by this petitioner was of serious and heinous nature. The petitioner played an active role in the crime and police during investigation, linked the chain. As in para 29 of case diary the spy has also disclosed that this petitioner and Madhav Sharma was found romming in village in very suspicious condition. The offence is of very serious and heinous nature.

7. Considering all the above fact and circumstance of the case and nature of offence and evidence of active involvement of this petitioner, I am not inclined to grant bail to this petitioner. Hence, his prayer for bail is hereby *rejected*.

Dictated

S/d-

(K.J.Choudhary)

**1st Addl. Sessions Judge-cum-
Special Judge SC/ST (POA), Purnea**