

The Court of Special Judge SC/ST Act, Dhanbad
CNR JHDH01012763-2022
ST Case No. 910/2022
MCA No. 3132/2022

-	Date of order of proceeding	Order with the signature of the Court	Office action taken with date
1		3	4
	12.12.2022	The Misc Criminal Application dated 09.12.2022 filed U/S 439 Cr.P.C for bail on behalf accused petitioner namely Shankar Kumar Sharma S/O Late Ajay Kumar Sharma aged about 24 yrs R/O Luby Circular Road Near Dr. A.K.P Singh, P.O, P.S and Dist. Dhanbad who is in custody in connection with Bankmor(Bhuli) P.S case No. 122/2022 dated 23.05.2022 registered U/S 385/387/120B IPC and 27 Arms Act pending in this court. The copy of bail petition has been served to the Ld. P.P. for the prosecution. Heard learned counsel for the petitioner as well as learned P.P for the state. The case of prosecution in nutshell is that informant is resident of New Ajad Nagar Dhanbad. As per the FIR on 22.05.2022 at 1.55 A.M in night two unknown persons riding on bike opened firing outside the house of informant	

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	<u>Contd...</u> 12.12.2022	with a view to create fear. Informant had earlier received whatsapp call of Prince Khan and his associates and he had been threatened for demand of extortion money. It is submitted on behalf of the petitioner that earlier petitioner has not filed any anticipatory or regular bail either in this court or before the Hon'ble High Court of Jharkhand at Ranchi. It is submitted that petitioner is innocent committed no offence and falsely been implicated merely on the ground of associate of one Prince Khan and also on the ground of his alleged confession in police custody. Petitioner is not named in FIR. During investigation of this case the same material has been brought that the petitioner is also one of associate of Prince Khan but interestingly not a single evidence could be collected by the I.O in support of this version. During investigation I.O collected the Criminal antecedent of all	

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	<u>Contdd...</u> 12.12.2022	non FIR accused persons and against the petitioner as per para 47 of case diary. The criminal antecedent is shown only accused in earlier case Dhanbad P.S case No. 211/2022 but this is not criminal antecedent, it is the only case in which this petitioner was put in jail with other co-accused and in the present case he has been remanded on production warrant. Prior to this there is no criminal antecedent there is no material in this case diary to show that he has been implicated in the case with said Prince Khan. During investigation in para 39 CCTV footage has been discussed and it was found that two persons on motor cycle came at the P.O and it was suspected to be Vicky Singh and all persons who was firing was suspected to Tippu @ Md. Hussain Ansari. It is very much surprisingly that said Md. Hussain Ansari the suspected person of opening fire was not made accused in this case. The charge	

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	<u>Contd...</u> 12.12.2022	person opened firing upon house of the informant with a view to create fear and fulfill the demand of extortion money. It is alleged also that Prince Khan and his associates have made whatsapp call to the informant. The accused arrested in Dhanbad P.S Case No. 211/2022 confessed before police as they are involved in the offence of firing upon the house of Matlub Alam which is mentioned in para 26 of case diary. The accused petitioner has made his confessional statement in Dhanbad P.S Case No. 211/2022 and stated before police as he is involved in offence of firing which is mentioned in para 27 of case diary. The petitioner is involved in other case which is mentioned in para 47 of case diary. The petitioner is in close association of accused Prince Khan and there is complicity of the petitioner in the alleged offence. Record of accused/petitioner has been committed to the court of	

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	<u>Contd...</u> 12.12.2022 <u>Contd...</u> 25.11.2022	Sessions on 24.11.2022. There are altogether six witnesses in charge sheet and they all are yet to be examined after framing of charge. Considering the above mentioned facts and circumstances of the case, I am not inclined to release the petitioner on bail. Accordingly, the Misc. Criminal application for bail filed on behalf of the accused petitioner stands <i>rejected</i>. (Dictated) Sd/- (Sujit Kumar Singh) Addl. Sessions Judge-VI, Dhanbad JO Code JH00444	

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