

In the Court of Additional Sessions Judge-IV, Jamui

S.Tr. No. 718/ 2022

Jhari Marandi @ Samel MarandiPetitioner

Vs.

State of Bihar.....O.P.

Arising out of Chandramandi P.S. Case No.- 77/2007

U/S- 302/34, 120(B) I.P.C & 27 Arms Act & 17 C.L.A. Act.

Learned counsel for the petitioner.....Sri M. Tudu, Advocate

Learned counsel for the State.... Sri C.B. Singh, A.P.P.

Present: DHIRENDRA BAHADUR SINGH

Additional Sessions Judge-IV, Jamui

Dated: 10th Janaury, 2023

10.01.2023

Regular bail application dated 16.12.2022 filed on behalf of petitioner Jhari Marandi @ Samel Marandi S/o-Chhotka Marandi R/o village-Bendra, P.S.- Chandramandi, District-Jamui in connection with above noted Session Trial Case is put up before me for hearing today. The petitioner has been in custody since 05.07.2022.

Heard both sides.

Learned counsel for the petitioner submitted that he is quite innocent and has committed no offence and he has falsely been implicated in this case with an ulterior motive. He further submitted that regular bail application of the petitioner was filed vide B.A. no. 938/2022 and the same was pending in the court of learned A.D.J. Ist, Jamui and during its pendency, case of the petitioner was committed to the court of Sessions and B.A. no. 938/2022 was withdrawn and thereafter no bail application on behalf of the petitioner has been filed or rejected either by the Sessions Court or by the Hon'ble High Court Patna. He further submitted that there is no any legal or cogent evidence against the petitioner to connect him in this alleged crime and he is not named in the F.I.R.. He also submitted that petitioner has got no criminal antecedent. He further

submitted that other co-accused persons have been allowed bail vide Cr. Misc. No. 34188/2008; Cr. Misc. No. 13436/2008 and case of the petitioner stands on better footing. Hence prayed to enlarge the petitioner on bail.

On the other hand Learned A.P.P strongly opposed the regular bail application of the petitioner and submitted that he has been absconding in this case since long and there are serious allegations of committing two murders in broad day light against the petitioner and he is a member of unlawful Maoist extremist organization. Hence prayed to dismiss the regular bail application of the petitioners.

The prosecution case in brief is that one Devendra Barnwal gave his fardbayan on 09-10-2007 at 14:00 hours at Bamdah Bazar alleging therein that on 09-10-20207 at 1:00 pm. five unknown persons including three men and two women came to the cloth shop of the informant and his son started to display clothes and the unknown persons stated to son of the informant that “

TUMHARA BAP POLICE KA DALAL HAI”. They further alleged that the informant was instrumental in arrest of one Polush Hembram. Thereafter the culprits took out Carbine like weapon and shot the son of the informant and in the meantime nephew of the informant came there and protested, then the culprits also shot him dead. The culprits chased the informant to shoot but the informant concealed himself. The extremists threw the pamphlets and fled away towards forest. Other 8 to 10 extremists variously armed were present the near the temple and they also fled away towards the forest. Son of the informant namely Samir Barnwal died in the way to Deoghar Hospital. It has also been alleged that prior to the occurrence Nobel Hembram, Joya Hansda, Usha Hembram, lalkishor Thakur, Vinay Barnawal and Bablu Murmu were moving in a black coloured Bolero vehicle and they blew the horn near the house of informant. Lastly it has been alleged that named accused persons alongwith 8-10 Maoist extremists killed his son and nephew under a criminal conspiracy. On the basis of written report Chandramandi P.S. Case No. 77/2007 u/s 302, 120(B), 34 of the I.P.C. and 27 of the Arms Act and 17 C.L.A Act was

registered on 09.10.2007. Charge-sheet has been submitted against the petitioner on 26-08-2022 Case of the petitioner has been committed to the Court of Sessions on 29.11.2022 and the case record has been received in this court on 06.12.2022. Charges have been framed in this case on 09.01.2023 u/s 302/34, 302/120(B), of the I.P.C. and 27 of the Arms Act and 17 C.L.A Act.

Having heard the submission of the parties and from perusal of case record and original case diary para nos. 1, 3, 5, 6, 7, 17, 18, 19, 20, 21, 25, 43, 44, 45, 77, 80, 82, 83, 86 and first supplementary case diary para nos. 21, 22, 23, 25, 40 and last supplementary case diary para nos. 7, 14, 17 and 22 it appears that there are serious allegations that the petitioner participated in broad day light murder of two persons and he is a member of extremist Maoist organization. It also appears that the petitioner has been absconding in this case since long and he has been facing the trial in the split up record. There is every chance of absconding of the petitioner after getting bail and tampering of the evidence is also likely. Case of the petitioner never stands on similar footing to that of petitioners of Cr. Misc. No. 34188/2008 and Cr. Misc. No. 13436/2008 as neither the petitioner was in custody at the time of occurrence nor he is a lady. No criminal antecedent of the petitioner has been mentioned in the case diary and it is the submission of learned counsel for the petitioner that he has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail and as a result, the regular bail application of the petitioner is hereby dismissed.

Dictated

Additional Sessions Judge-IV,
Jamui