

Schedule XLII- High Court (J) 9a [Old (M)164.]

Serial No.	Date of order of proceeding.	Order with signature of the court. CNR No. JH GR 01-006860-2022	Office notice taken with date.
1	2	<u>B.P. No. 910/2022</u>	4
	<u>12.12.2022</u>	State -Vs.-Chandra Shekhar @ Chandra Shekhar Singh <u>ORDER</u> The bail petition filed on behalf of the petitioner/accused namely Chandra Shekhar @ Chandra Shekhar Singh who is in judicial custody since 18.08.2022 in connection with Bhelwaghati P.S. Case no. 13/2022, pending in the Court of Anamika Kachhap, J.M. 1st class, Giridih has been put up for hearing today. A copy of the petition has already been served to the learned Addl. P.P. The learned counsel for the petitioner/accused submits that the petitioner is totally innocent and has been falsely implicated in this case. He further submits that no body have seen the petitioner taking part in the crime. Further there is delay in lodging the F.I.R and nothing has been recovered from the possession of the petitioner. He further has opined that police forcefully took his signature on a plain paper and the same has been made confession of the petitioner before police. He further submits that confession before police has got no evidentiary value. Further seizure list do not bear the signature of the petitioner. He lastly submits that the petitioner is in	.

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	<u>Continued</u> 12.12.2022	judicial custody since long without having any sufficient material against him, hence he may be enlarged on bail. The learned Addl. P.P. vehemently opposes the prayer of bail and submits that the allegation against the petitioner is direct, hence bail petition may be rejected. Heard the learned counsel for the petitioner and the learned Addl. P.P. for the State. Perused the record. The basis of the prosecution case is the written report of the informant Saukat Ali. The prosecution case in brief is that he is working in RBL Finserve Ltd. Company on the post of G.L.O. which is engaged in giving loan to the rural females. On 16.8.2022 at about 12.30 hours he proceeded from Chatro Bazar and reached village Garai chowk at 13.30 hours to distribute loan among the females. Till the time females were gathering there, he was sitting on the motorcycle at the chowk. There he saw that under the jack-fruit tree three boys were eating sattu and one TVS Apache motorcycle was standing there. After gathering of the females he after sitting under the shadow started giving and taking money with the females. After completion of the distribution work, he proceeded for going to Chatro. At about 17.30 hours when he reached near Adhpelia bridge	
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	<u>Continued</u> 12.12.2022	then 3 boys who were eating sattu over take him and forcefully stopped his motorcycle. The boy who was sitting on the back of that Apache motorcycle started assaulting him and took out the key of his vehicle. All the three boys started assaulting him and told him that whatever money he has the same should be handed over to them or else they will kill and throw him in the forest. When he made protest then all three of them assaulted him. Two boys caught him and the person who was riding Apache motorcycle took out Rs. 16,000/- from his pocket and he took his Vivo company and Jio company mobile. They also took his TVS sport motorcycle bearing no. JH15AB-6908 and went away giving threatening that if he will raise alarm then they will kill him. In the dicky of his motorcycle there was one Samsung company tab and one black silver colour Mantra company finger print model no. MPS 100 54. He on his foot reached Garai chowk where he had distributed loan to the villagers and there from the mobile of a villager he gave information to his senior officer regarding the occurrence. On inquiry from the villagers he came to know that these three persons had come in the last rites of their bhabhi. He alongwith some friends reached the house of deceased Pramila Devi and there on inquiry he came	
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	<u>Continued</u> 12.12.2022	to know that out of three persons who had come on apache motorcycle, Chandra Shekhar (petitioner) is dewar of deceased Pramila Devi and other two persons had also come alongwith him in the last rites. He has claimed that Chandra Shekhar and other two persons who had come along with him in the last rites has committed this occurrence. Under such circumstances the informant has lodged the F.I.R. The petitioner is named in the F.I.R. After submission of charge sheet cognizance of the offence u/s 394 of I.P.C. has been taken against the petitioner and the co-accused by the learned JM Ist Class, Giridih. The informant in his re-statement recorded in para 2 of the case diary has reiterated the prosecution story. Further other witnesses examined during the course of investigation have also supported the prosecution case. There is serious allegation against the petitioner that he along with co-accused assaulted the informant and robbed his motorcycle and belongings. Involvement of the petitioner in the alleged occurrence can not be ruled out. Earlier the bail petition of other co-accused has been rejected by this court vide order dated 23.11.2022 passed in B.P. No. 845/2022. Police paper is yet to be supplied to the petitioner and co-accused.	
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	<u>Continued</u> 12.12.2022	Under such facts and circumstances, I am not inclined to release the petitioner/accused on bail. Accordingly the bail petition of the petitioner namely, Chandra Shekhar @ Chandra Shekhar Singh is hereby rejected. (Dictated) Yashwant Prakash Addl. Sessions Judge-VIII Giridih.	
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