

In The Court of J.M.1st Class, Lohardaga
MCA case no. 1823/2022
G.R. 338/2021
CNR No. JHLH030029182022

SL. NO.	Date	Order along with Signature	Remarks
1	2	3	4
	29.11.2022	StateInformant Versus 1. Santosh Kumar Sahu @ Sau aged about 29 years S/o Sri Samu Sahu 2. Sarif @ Saif Ali Khan aged about 25 years S/o Nasim Khan both R/o Vill- Tati P.S.- Kuru Distt- Lohardaga Accused/Petitioner <u>ORDER</u> The aforesaid humble surrender-cum-bail petition dated 29.11.2022 filed vide Misc. Cr. Application No. 1823/2022, on behalf of accused petitioner namely Netram Kherwar who was remanded in this case and is in custody since 16.11.2022 in relation to Peshrar P.S. Case No. 18/2020(S) registered u/s. 302 read with sec. 34 of the IPC, is pressed today and accordingly taken up for hearing. The copy of the petition is duly served upon the learned APP. The learned counsel on behalf of the accused petitioner submits that the accused petitioner was remanded in this case on dated 16.11.2022 and since then he is in judicial custody. It is submitted that no bail petition has been filed or moved before this learned court or before any Sessions Court or the Hon'ble High Court of Jharkhand except this bail petition. It is submitted that he has committed no offence and there is no direct evidence against him. He has been falsely implicated in this case due to village politics. It is submitted that the name of the accused petitioner first came in light on the basis of the confessional statement of the co-accused persons namely Bisheshwar Kherwar and Budhiman Kherwar. It is further submitted that he had gone to work in Tamil Nadu Tea Garden in the year 2017 and since then he was there,	

In The Court of J.M.1st Class, Lohardaga
MCA case no. 1823/2022
G.R. 338/2021
CNR No. JHLH030029182022

Contd. 16.11.2022	meaning thereby that he was not present at the time and place of occurrence. Hence, the learned counsel humbly prays that keeping in view the above submissions, the said accused petitioner may be admitted on bail. Learned APP opposed the prayer and submits that considering the seriousness and gravity of the offence, the prayer made on this behalf is liable to be rejected. A careful perusal of record makes it clear that this case was registered on the basis of the fardbayan of Lalmohan Nagesiya stating inter alia that on the night of 11.12.2020 while he was asleep in his house, his brother and sisiter-in-laws namely Om Prakash Kherwar, Manoj Kherwar and Thupri Kherwar came to his house and narrated the story of the death of their parents. They said that at aouns 7:00 pm while they were at home with their parents, two unknown persons with ‘Dabiya’ and axe in their hands came to their house. They threatened their father for not helping them for something and attacked his father Harisewak Kherwar in the kitchen and his mother Lakshminiya Kherwar inside the house. Both his parents were killed by using ‘Dabiya’. It is alleged that since it was night time and his father-in-law’s house was a little far away, he went to his place at 7:00 in the morning the next day. He saw that both the dead bodies were covered with blood lying on the floor. It is alleged that two unknown persons had killed both his parents-in-law with the help of such a sharp weapon. On the basis of this information, the above mentioned matter was reported to the police station and thereafter FIR was lodged vide Peshrar P.S. Case No. 18/2020 registered u/s. 302 read with sec. 34 of the IPC. It further transpires that he has voluntarily surrendered before the Court on dated 16.11.2022. Thereafter, he was remanded in this case and since then he is in judicial custody. It further transpires that the offence u/s. 302 of IPC is Non-Bailable in nature.	
Contd. 16.11.2022	It also transpires that the case is still under investigation and the Final Form is awaited in this case record.	

In The Court of J.M.1st Class, Lohardaga
MCA case no. 1823/2022
G.R. 338/2021
CNR No. JHLH030029182022

		Hence, in the light of discussions made herein above, and considering the seriousness and gravity of the offence, I am not inclined to release the accused petitioner on bail. Accordingly, the bail petition filed on behalf of the accused petitioner is rejected. This Misc. Criminal Application No. 1737/2022 is hereby disposed off. (Dictated) Sd/- (Suchita Nidhi Tigga) JM1st Class, Lohardaga ID: JH5143	
--	--	---	--