

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (DB) No. 532 of 2022

Md. Tabrej Alam @ Chamra @ Chotu @ Md. Tabrez

... Appellant

Versus

State of Jharkhand

...

Respondent

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

HON'BLE MR. JUSTICE AMBUJ NATH

For the Appellant : Mr. Binay Kumar Sahay, Advocate

For the State : Mr. Vineet Kumar Vashistha, Spl.P.P.

For the Informant : Mr. Naveen Kr. Jaiswal, Advocate

Order No. 05

Dated 21st September, 2022

I.A. No. 5132 of 2022

Heard the learned counsel for the respective parties.

This application has been preferred by the appellant for grant of bail to him during the pendency of this appeal.

The appellant has been convicted for the offences u/s 148 and 302 of the Indian Penal Code and Section 25(1-B)a/35, 26(1)/35 and 27 of the Arms Act and has been sentenced to undergo rigorous imprisonment for life along with a fine of Rs. 10,000/- for the offence u/s 302 of the Indian Penal Code.

It has been alleged that the son of the informant was indiscriminately shot at by the appellant and the other accused persons.

Mr. Sahay, learned counsel for the appellant has submitted that no specific allegation has been levelled against appellant as to on which part of the body of the deceased he had fired. It has further been submitted that though there were 50-100 persons present at the place of occurrence as per the evidence of P.W. 2, but no independent witness has been examined on behalf of the prosecution and the entire case of the prosecution rests upon the evidence of the family members of the deceased who are interested witnesses. It has further been submitted that the seizure list was not prepared at the place of occurrence, but at RIIMS. Learned counsel submits that the deceased was himself a hardcore criminal as he was involved in 26 criminal cases. Learned counsel has also submitted that the F.I.R. was sent to the Court after four days which is contrary to the principles laid down in Section 157 Cr.P.C.

Learned A.P.P. as well as the learned counsel for the informant has opposed the prayer for bail of the appellant.

2.

It appears that there are several eye witnesses to the occurrence including P.W. 1, P.W. 2 and P.W. 4 who have stated about the appellant also being one of the miscreants along with the other accused persons who had fired at the son of the informant. The postmortem report reveals that five bullet injuries were found on the person of the deceased.

In view of the overwhelming nature of evidence as indicated above, we are not inclined to admit the appellant on bail. Accordingly, the prayer for bail of the appellant is hereby rejected.

I.A. No. 5132 of 2022 stands rejected.

(RONGON MUKHOPADHYAY, J.)

MK

(AMBUJ NATH, J.)