

(2012) 10 JH CK 0029
In the Jharkhand High Court
Case No : A.B.A. No 2760 of 2012

Alekh Ranjan Mahto

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 06-10-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 201, 302, 34, 394

Citation : (2012) 10 JH CK 0029

Hon'ble Judges : Jaya Roy, J

Bench : Single Bench

Advocate : Kaushik Sarkhel and Arup Kr. Dey, for the Appellant; Sardhu Mahto, Assistant Public Prosecutor for the State, for the Respondent

Final Decision : Dismissed

Judgement

Jaya Roy, J.—Heard the learned counsel for the petitioner and the learned counsel for the State. The petitioner is an accused in a case registered under Sections 302/ 394/ 201/ 34 of the Indian Penal Code in connection with Golmuri P.S. Case No. 24 of 2012 corresponding to G.R. No. 337 of 2012 pending before Shri S.N. Sinha, Judicial Magistrate, 1st Class, Jamshedpur.

2. The learned counsel for the petitioner has submitted that the F.I.R. is lodged against two unknown persons. The case of the prosecution in brief is that the informant Binod Kumar Singh submitted a written report on 6.2.2012 stating therein that on 4.2.2012 at about 6.30 P.M. two unknown boys booked the Bolero Pick-Up Van No. JH-05-AC 7258 of his brother Promod Singh by saying that they have to bring two bundles clothes from Hazaribagh. His brother proceeded with the said unknown boys. On the way the informant had a talk with his brother Promod Singh who informed that he has crossed Chandil and the said two boys who had contracted the vehicle, were also with him. Thereafter, when the informant again tried to contact his brother he found his mobile phone was switched off. He could not locate his brother. Thereafter, in spite of his best effort, he could not contact with him. Then he enquired from Barmamines Police

Station, Chouka, Tamar, Bundu Police Station about his brother. On 6.2.2012 at about 4 P.M., the informant received an information from Tamar Police Station in his mobile phone that in Ranchi Tata Road, one dead body of unknown person was found near Ulidih and asked the informant to come and identify the dead body. The informant immediately went there and found the said dead body was of his brother. Thereafter, he lodged this case against two unknown persons.

3. The learned counsel of the petitioner has submitted that the said bolero Pick Up Van was found near the bridge of Mohulia River within Sonua P.S., West Singhbhum in abundant condition but the same vehicle was not recovered at the instant of the petitioner. He has further contended that the except the confessional statement of co-accused Raju Mahto and Hare Krishna Mahto, there is no material against the petitioner to connect him with the present offence. Therefore, it can not be said that the petitioner has committed or the petitioner is in conspiracy for committing the said offence. Thus, he is entitled for anticipatory bail in this case.

4. The learned counsel for the State has filed the counter affidavit in this case and submitted sufficient material has come in the investigation against the petitioner which shows that the petitioner has played an active role in the commission of the offence. He has submitted that in para 44 of the case diary, it has come that call detail report of the mobile phone number 7250224490 which belongs to Raju Mahto (another co-accused) and the mobile phone number 8877125777 which belongs to Alekh Ranjan Mahto (the petitioner) clearly shows that they are continuously talked with each other on the aforesaid date i.e. 4.2.2012. It has further come in CDR (Call Detail Report) of the mobile of Raju Mahto shows the location from 14:49:26 to 18:27:58 was Barmamines, at 20:58:17 location was Tamar, at 0: 34: 5 to 5: 19:39 location was Chakradharpur, on 5.2.12 location was Keraikella, West Singhbhum, Chaibasa at 6: 26: 56. Thus, it clearly shows that the petitioner was in contact with the Raju Mahto throughout the aforesaid period.

5. The counsel of the State has further pointed out that the Khalasi of the said vehicle namely Ranjit Kumar Singh who had accompanied Promod Singh on the relevant day, identified the miscreants namely Raju Mahto and Hare Krishna Mahto in the T.I. Parade. In the confessional statement, Raju Mahto specifically stated about the involvement of the present petitioner. Madan Mahto has also stated in his confessional statements about the involvement of the present petitioner in the commission of the offence. Therefore, the petitioner is not entitled for the anticipatory bail.

6. Counsel of the State has further pointed out that the Supervision note also shows the involvement of the petitioner in this offence. Considering the materials on record and the submissions made by the parties it appears prima-facie that the petitioner is actively involved in hatching out the plan and also committing the murder of Promod Singh. Therefore, I am not inclined to grant anticipatory bail to the petitioner in this case. Accordingly the prayer for anticipatory bail of

the petitioner is rejected.