

26.02.2025
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Court No.26
S.D.
Rejected

CRM (DB) 4178 of 2024

In re: An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Jhalda** Police Station Case No. **38** of **2022** dated **14.03.2022** under Sections **120B/34/302** of the Indian Penal Code, 1860.

-And-

In the matter of: Kalebar Singh @ Kokebar Singh
@ Kaleswar Singh @ Gopal Singh
... .. Petitioner

Mr. Fazlur Rahman
Md. Babul Hussain
... .. For the Petitioner

Mr. Amajit De
... ..For the CBI

Petitioner prays for bail on the ground of parity with other co-accused who were enlarged on bail by the Coordinate Bench on August 29, 2024 passed in C.R.M. (DB) 4800 of 2023 and on February 17, 2025 passed in C.R.M. (DB) 3972 of 2024.

Learned advocate appearing for the petitioner submits that, although the trial is in progress, no prosecution witness implicates the petitioner. Petitioner was not identified as the person who shot the fire arm leading to the murder of the victim.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for three years with no possibility of the trial coming to an end in the near future

given the number of prosecution witnesses who remain to be examined at the trial.

Learned advocate appearing for the CBI opposes the prayer for grant of bail. He submits that, the petitioner does not stand on the same footing as that of the three other co-accused who were enlarged on bail by the Coordinate Bench from time to time.

Learned advocate appearing for the CBI submits that the CCTV footage of the incident shows that the petitioner was riding a motorcycle when he shot the victim for murder. He refers to report which speaks of seven criminal antecedents so far as the petitioner is concerned. According to him, the petitioner before us is the contract killer. He points out that there are criminal cases of murder against the petitioner in different State.

The petitioner is standing trial from murder. Prosecution claims that the CCTV footage of the incident implicates the petitioner in such murder. He is seen to fire the firearm leading to the murder of the victim.

Importantly, there are seven criminal antecedents so far as the petitioner is concerned involving murder and the Arms Act, amongst others. All seven are of them in Jharkhand.

Given the materials on record as against the petitioner and the criminal antecedents of the petitioner, we are not impressed with the period of detention of the petitioner so as

to enlarge the petitioner on bail. Petitioner is not standing on the same footing as that the co-accused as contended on behalf of the petitioner suggests. We are not shown any materials to suggest that there were criminal antecedents so far as other co-accused are concerned. That apart, the criminal antecedents of the petitioner herein involve heinous crimes.

In such circumstances, we are not inclined to grant bail to the petitioner and the prayer for bail of the petitioner is rejected.

The application being **C.R.M. (DB) 4178 of 2024** stands dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)