

(2020) 11 JH CK 0050
In the Jharkhand High Court
Case No : Bail Application No. 2367 Of 2020

Amarjeet Thakur

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 06-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 302, 304B

Citation : (2020) 11 JH CK 0050

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Navneet Sahay, Tarun Kumar

Judgement

1. Heard Mr. Navneet Sahay, learned counsel appearing on behalf of the petitioner.
2. Heard Mr. Tarun Kumar, learned counsel appearing on behalf of opposite party-State.
3. Heard Mr. Arpit Kumar, learned counsel appearing on behalf of opposite party No.-2.
4. The learned counsel for the petitioner submits that the only surviving defect in the present case is defect No. 9(vi) relating to typed copy of page-9. He submits that this defect may be ignored and the case may be taken up on merits.
5. The learned counsel for the opposite parties have no serious objection to the prayer made.
6. Accordingly, defect No. 9(vi) pointed out by the office is hereby ignored and with the consent of the parties, the present case is taken on merits.
7. The learned counsel for the petitioner submits that the petitioner is in custody since 13.06.2018 in connection with Hazaribagh P.S. Case No. 139/2018 corresponding to G.R. No. 1746/2018 for alleged offence registered under

Sections 302 and 304(B) of Indian Penal Code, now said to be pending in the court of learned Additional Sessions Judge-1st, Hazaribagh.

8. The learned counsel for the petitioner submits that the petitioner is the husband of the deceased and considering the custody of the petitioner, the petitioner may be enlarged on bail. He further submits that the bail application of the petitioner has been rejected by this Court earlier in B.A. No. 5874 of 2019 on 23.07.2019 with an observation that the petitioner may renew his prayer for bail after six months.

9. The learned counsel for the opposite party-State, on the other hand, opposes the prayer for bail and submits that there are serious and direct allegations levelled against the petitioner.

10. After hearing the learned counsel for the parties, this Court finds that at the stage of moving the earlier bail application, it was submitted by the learned counsel for the petitioner that the alleged offence is registered under Section 304-B of Indian Penal Code and in the bail petition also the petitioner in the very first paragraph, had mentioned only about Section 304-B of IPC.

11. However, from perusal of First Information Report and as per the submissions made on behalf of the petitioner, it is apparent that the FIR was registered not only under Section 304-B of IPC, but also under Section 302 of IPC.

12. However, considering the serious offence involved in this case and the fact that the bail application of the petitioner was rejected earlier vide order dated 23.07.2019, this Court is not inclined to enlarge the petitioner on bail and accordingly, the present bail application of the petitioner is hereby rejected.

13. Let a copy of this order be communicated to the learned court below through 'e-mail/FAX'.