

(2017) 01 JH CK 0137
In the Jharkhand High Court
Case No : 10301 of 2016

**Amit Sharma Vs The State of Jharkhand through its Chief Secretary,
District Ranchi**

Date of Decision : 19-01-2017

Acts Referred:

Code of Criminal Procedure, 1973, Section 164 - Recording of confessions and statements
Indian Penal Code, 1860, Section 304,
Section 34 - Punishmen

Citation : (2017) 01 JH CK 0137

Hon'ble Judges : Rajesh Shankar

Bench : SINGLE BENCH

Advocate : Ashish Verma, ?Sudhansu Kumar Deo, ?Arun Kumar Pandey

Judgement

1. Heard learned counsel for the parties.
2. Petitioner is an accused in a case registered for the offences punishable under Sections 304, 34 of the Indian Penal Code in connection with Parsudih P.S. Case No. 93 of 2016, corresponding to G.R. No. 899 of 2016 pending in the court of learned Judicial Magistrate, 1st Class, Jamshedpur.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and has not committed any offence as alleged by the informant in the F.I.R. The alleged occurrence had taken place on 23.03.2016 and thereafter a Sanha was lodged by the informant which was registered as U.D. Case No. 10 of 2016 and in the said Sanha, the informant has stated that the incident of burning of his son namely Sheikh Farukh has occurred due to accident. Subsequently on 29.03.2016, succumbing to the burn injury, the son of the informant died and thereafter on 02.04.2016, the present F.I.R. has been lodged. In view of the said fact, it is submitted that the informant has developed a new story to falsely implicate the petitioner and another co-accused namely Nikhil Singh in the present case. The incident of burning of the deceased has taken place due to accident and there is no admissible evidence to connect the petitioner with the alleged offence.

4. Learned A.P.P. as well as learned counsel for the informant while opposing the petitioner's prayer for bail submit that during the investigation, the police has also recorded the statements of Sunny Rajak, Prem Kumar Dey and Nikhil Sinha @ Vinay under Section 164 of the Cr. P.C. who are the eye witnesses to the occurrence. In their statements they have clearly stated that the petitioner poured the petrol on the body of the deceased and the co-accused Nikhil Singh lit the match stick due to which the deceased sustained severe burn injury and subsequently he died. The case has already been committed to the Court of Sessions and the trial is in progress.

5. Considering the aforesaid facts and circumstance, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer for bail of the petitioner above named is rejected.