
(2017) 02 JH CK 0126
In the Jharkhand High Court
Case No : 4592 of 2016

Arun Kumar

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 13-02-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 302](#),
[Section 147](#), [Section 148](#), [Section 149](#) - Punishment for murder - Punishment for rioting -
Rioting, armed with dea

Citation : (2017) 02 JH CK 0126

Hon'ble Judges : Rajesh Shankar

Bench : SINGLE BENCH

Advocate : K.P.Deo, Awnish Shekhar

Judgement

1. Heard learned counsel for the parties.

2. Petitioner is an accused in a case registered for the offences punishable under Sections 147 / 148 / 149 / 302 of the Indian Penal Code, in connection with Deoghar (Town) P.S. Case no. 664 of 2015 corresponding to G.R. No. 1453 of 2015, pending in the Court of learned Chief Judicial Magistrate, Deoghar. 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 in the F.I.R. The petitioner has been implicated at the instance of the informant due to previous enmity. The informant is not the eye-witness to the occurrence and has given an imaginary description of the manner of occurrence leading to the alleged murder of the deceased. The main allegation of inflicting injuries on the head of the deceased is against co-accused Santosh Das, son of late Sukhdeo Das and also against another Santosh Das, son of late Naresh Das. It is alleged in the F.I.R. that the petitioner assaulted on the head of the deceased by means of sword, however the said fact is not supported by the post-mortem report of the deceased in which only two sharp cut injuries have been found on different parts of the head of the deceased. The petitioner is a handicapped

person and, therefore, the allegation that he had assaulted the deceased by means of sword is completely concocted. The petitioner is in judicial custody since 03.07.2015 and therefore, he may be given privilege of regular bail.

3. Learned counsel appearing for the informant while opposing the petitioner's prayer for bail submits that the informant is the eye-witness to the occurrence. He has given clear narration regarding the manner of occurrence and has clearly stated in the F.I.R. that the petitioner assaulted the deceased on his head by sword through his left hand. The petitioner being one of the main assailants may not be given the privilege of bail.

4. Considering the aforesaid facts and circumstances of this case, I am not inclined to enlarge the petitioner on bail. Accordingly, his bail application is, hereby, rejected.