
(2021) 03 JH CK 0058
In the Jharkhand High Court
Case No : Bail Application No. 11860 of 2020

Md. Jafir

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 03-03-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 304(B)

Citation : (2021) 03 JH CK 0058

Hon'ble Judges : Rajesh Kumar, J

Bench : Single Bench

Advocate : Ajit Kumar, Mohammad Asghar

Final Decision : Dismissed

Judgement

Heard learned senior counsel for the petitioner and learned counsel for the State.

The present application has been filed for grant of regular bail to the petitioner in connection with Tandwa P.S. Case No.75 of 2020, registered for the

offence under Sections 304(B)/34 of the Indian Penal Code, pending in the Court of the learned Chief Judicial Magistrate at Chatra.

Learned senior counsel for the petitioner has submitted that the petitioner is in custody since 01.06.2020. Further, it has been submitted that the

marriage has taken place six years prior to the incident and this is case of suicide. It has further been submitted that in similar circumstances mother-

in- law of the deceased, namely Haseena Khatoon has already been granted bail by the co-ordinate bench of this Court vide order dated 17.02.2021

passed in B.A. No.7679 of 2020.

On the other hand, counsel for the State has opposed the prayer for bail and submission has been advanced that the ingredient of 304-B is made out as

the death is not natural rather it is unnatural, and the occurrence has taken place in the matrimonial home. The petitioner is the husband of the deceased. On the above facts, the petitioner does not deserve bail.

Considering the material available on record and the fact that the death is unnatural and it has happened within seven years of the marriage, this Court is not inclined to enlarge the petitioner on bail, at this stage.

Accordingly, the present bail application is, hereby, rejected.