
(2012) 03 JH CK 0100
In the Jharkhand High Court
Case No : A.B.A. No. 459 of 2012

Prakash Mandal and Goura Devi

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 13-03-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 302, 34

Citation : (2012) 03 JH CK 0100

Hon'ble Judges : Jaya Roy, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble Mrs. Justice Jaya Roy

1. Heard counsel for the petitioners and counsel for the State. The petitioners are accused in a case registered under Sections 302/34 of the I.P.C.
2. Counsel for the petitioners has submitted that though the petitioners are named in the F.I.R. but there is no specific allegation against them that they have killed the victim lady. He has further submitted that there is no injury on the body of the victim lady. It is further contended that the victim lady died on 09.07.2010 but the F.I.R was lodged on 04.08.2010 which is very clear from the F.I.R itself.
3. Counsel for the State has pointed out that both the petitioners are named in the F.I.R and petitioner no.1 is the husband of the victim lady. It is further stated that it has come in the F.I.R that petitioner nos.1 and 2 used to assault the victim lady for which a Panchayati was taken place, even then they continued to assault the victim lady. The victim lady, after the alleged occurrence, informed her brother on telephone regarding the assault made by petitioners no.1 and 2. She has also informed her brother that as she was brutally assaulted she may not survive. It is further submitted that it has come in the impugned order that there was some injury on the body of the victim lady. It is further pointed out

that the fardbeyan of the informant was recorded at Sadar H.Q., Hazaribagh when the victim lady died on 09.07.2010. Therefore, there is no question of delay in giving the fardbeyan.

4. Considering all these aspects and considering the fact that there is specific allegation against both the petitioners regarding torture as result of which the victim lady died, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.