
(2014) 10 JH CK 0053
In the Jharkhand High Court
Case No : B.A. No. 6844 of 2014

Prakash Mandal

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 20-10-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 201, 302

Citation : (2014) 4 AJR 747

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : S.P. Roy, Advocates for the Appellant; Pankaj Kumar, APP, Advocates for the Respondent

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the petitioner and the learned A.P.P. for the State. The petitioner is in custody since 10.06.2014 in connection with Pathargama P.S. Case No. 78 of 2014 corresponding to G.R. No. 743 of 2014 for the offences under sections 302/201 of the Indian Penal Code, pending in the Court of learned Sub-Divisional Judicial Magistrate, Godda.

2. Learned counsel for the petitioner submits that by the allegations made in the FIR or even the statements which are attributed to the witnesses, allegations against the petitioner is only to the effect that he was last seen with the deceased. It is submitted that even the incidence of last seen in the evening at 4.45 p.m. at local hatia where the deceased had also gone, is taken into account, the next event of the body of the deceased having been discovered is of the next date and therefore, petitioner has been falsely implicated in the instant case. It is submitted that there is distinct possibility that the deceased could have gone with someone else and might have been killed thereafter. Therefore, he may be enlarged on bail.

3. Learned A.P.P. for the State opposes the prayer for bail. He has read out statements made at paras-33, 34, 35 and 40 of the case diary and submitted that even the independent witness has submitted that the petitioner was last

seen with the deceased. It is submitted that disappearance of the deceased and the time when she was last seen with the petitioner are quite proximate and there are motives attached as per the allegations made against the petitioner that he must be responsible for the death of the deceased. Therefore, petitioner should not be enlarged on bail. Having heard counsel for the parties and considering the facts and circumstances of the case, it appears that there are distinct motive attached to the allegations that the petitioner was having illicit relationship with the deceased from before and the deceased mother of the informant has tried to distance herself from the accused petitioner. It further appears that on the fateful day i.e. 9.6.2014, witnesses have seen the petitioner along with the deceased and thereafter no one else was seen with the deceased. Petitioner was also found to be in perturbed condition when he was faced with the informant and other members of his family. Thereafter, they made efforts to search the deceased at Lakra Dangal forest area where body of the deceased was found. In such circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail is rejected.