

(2012) 04 JH CK 0122
In the Jharkhand High Court
Case No : A.B.A. No. 461 of 2012

Rameshwar Singh and others

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 11-04-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 302, 34, 498A

Citation : (2012) 3 JCR 592

Hon'ble Judges : Jaya Roy, J

Bench : Single Bench

Advocate : Arvind Kumar, for the Appellant;

Final Decision : Dismissed

Judgement

Hon"ble Mrs. Justice Java Roy

1. Heard counsel for the petitioner and the counsel for the State. The petitioners are apprehending their arrest in this case registered under Sections 498A/302/34 of the Indian Penal Code, pending in the court of Chief Judicial Magistrate, Giridih.

2. Counsel for the petitioners has submitted that though the petitioners are named in the F.I.R., but they have not committed any offence and they have falsely been implicated in this case only on suspicion. It is also submitted that neither of the petitioners has ever demanded any dowry nor they have tortured the victim. It is also submitted that the allegation of giving poison to the victim is made only on suspicion, therefore, the petitioners are entitled to get relief in this application.

3. Counsel for the state for has submitted that the contents of the F.I.R. shows that all the petitioners and other co-accused always used to assault and torture the informant's sister, who was widow and issueless. The petitioners were always used to torture her to grab her property. They have attempted to kill her in the earlier occasions also and ultimately the petitioners and other co-accused killed her by forcibly giving poison for and during the course of treatment she died.

4. Counsel for the state for has further pointed out that there is specific allegation against the petitioners regarding their involvement in the commission of the offence, they are not at all entitled to get anticipatory bail in this case.

5. Considering the facts and circumstances of the case, as there is specific allegation against the petitioners for committing murder of the victim lady, who was a widow and issueless for garbing her property, I am not inclined to grant anticipatory bail to the petitioners namely Rameshwar Singh, Ashok Singh, Bhim Singh, Paramila Devi, Nakul Singh and Janta Devi. Accordingly, the prayer for anticipatory bail of the aforesaid petitioners is, hereby, rejected.