
(2012) 09 JH CK 0192
In the Jharkhand High Court
Case No : B.A. No. 5548 of 2012

Sunil Kumar Rai

APPELLANT

Vs

The state of Jharkhand

RESPONDENT

Date of Decision : 11-09-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 201, 302, 34, 364, 365

Citation : (2013) 3 AJR 83

Hon'ble Judges : Harish Chandra Mishra, J

Bench : Single Bench

Advocate : A.K. Kashyap and Mrs. Lina Shakti, for the Appellant; Manoj Kumar No. 4, Assistant Public Prosecutor for the State, for the Respondent

Judgement

H.C. Mishra

1. Heard learned counsel for the petitioner and learned A.P.P. for the Prosecution. The petitioner has been made accused for the offence under Sections 364, 365, 498-A, 302, 201/34 of the Indian Penal Code, in connection with Giridih(T) P.S. Case No. 8 of 2010 corresponding to G.R. No. 87 of 2010.

2. The case relates to disappearance and the alleged murder of the daughter of the informant and from the F.I.R., it appears that the petitioner is the husband of the victim lady. It appears from the F.I.R. that the informant, who is father of the victim, was informed that on 5.1.2010, his daughter become traceless but when he tried to get the information from her son-in-law, he gave evasive replies. It also appears from the impugned order that a dead body was found by Howrah G.R.P. on 24.12.2009 in an iron from the sleeper coach of Mithila Express and the photograph of the dead body was published in the newspaper, on the basis of which, the family members of the deceased identified the dead body to be that of the daughter of the informant.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. It has been submitted that there is no eyewitness

to the occurrence and even though, the photograph of the dead body has been identified to be that of the wife of the petitioner, from the statements of witnesses recorded in the case diary, it would appear that wife of the petitioner had become traceless from 3.1.2010. In this connection, the statement of landlord of the house is also available in the case diary, which shows that the victim is traceless since 3.1.2010. Learned counsel accordingly, submitted that that the dead body which was recovered on 24.12.2009 cannot be that of the wife of the petitioner. Learned counsel accordingly, prayed for bail.

4. Learned A.P.P. for the State, on the other hand, opposed the prayer for bail submitting that photograph of the dead body was identified by the family members of the deceased. In the facts of the case, particularly, in view of the fact that there is no eyewitness to the occurrence and the witnesses, particularly, the landlord of the house has stated that wife of the petitioner had become traceless on 3.1.2010, as also the F.I.R. shows that the informant was informed about his daughter being traceless on 5.1.2010, I am inclined to enlarge the petitioner, Sunil Kumar Rai, on bail. Accordingly, the petitioner, named above, is directed to be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand), with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Giridih, in connection with Giridih (T) P.S. Case No. 8 of 2010 corresponding to G.R. No. 87 of 2010.