
(2020) 01 JH CK 0225
In the Jharkhand High Court
Case No : Regular Bail No. 9896 Of 2019

Vikash Tiwary

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 17-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302, 306, 326, 498A
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2020) 01 JH CK 0225

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : K. K. Singh, Vipul Divya

Final Decision : Dismissed

Judgement

1. Heard Mr. K. K. Singh, learned counsel appearing on behalf of the petitioner.

2. Heard Ms. Vipul Divya, learned counsel appearing on behalf of the State.

3. This bail application has been filed for the following reliefs: -

That the petitioner prays for grant of regular bail in connection with Adityapur(R.I.T) P.S. Case No. 411/14 corresponding to G.R. No.

1188/14 & S.T No. 124/19 u/s 498(A)/326/307/34 of I.P.C & sec 302 of I.P.C has been added subsequently after death of informant,

however the police submitted the charge sheet of informant, however the police submitted the charge sheet u/s 498(A), 306 and 34 of I.P.C

vide charge sheet dated 31/5/19 against the petitioner and now the case is pending before Additional District & Sessions Judge-II,

Seraikella.

And/or

Pass such order/orders as Your Lordships may deem fit and proper.â??

4. The learned counsel for the petitioner submits that earlier the bail application of the present petitioner was rejected by this Court in B.A. No. 6246

of 2019 vide order dated 17.08.2019. He submits that at the time of rejection of the bail application, it could not be pointed out that the charge-sheet

was submitted under Section 498-A, 306 and 34 of Indian Penal Code. He further submits that the case of the prosecution has been substantially

diluted during investigation and there is no material against the petitioner. He also refers to the order dated 16.10.2019 passed in B.A. No. 5260 of

2019 and submits that the co-accused, namely, Urmila Devi i.e. the mother-in-law of the deceased, has been enlarged on bail by a Co-ordinate Bench

of this Court and accordingly, the petitioner may also be enlarged on bail.

5. Learned counsel appearing on behalf of the State, on the other hand, while opposing the prayer for bail has referred to the statement of Vaishnavi

Tiwary daughter of the deceased recorded under Section 164 of Code of Criminal Procedure and submits that the petitioner was the brother-in-law of

the deceased and specific allegation has been made against the petitioner. She submits that considering this aspect of the matter, the petitioner may

not be enlarged on bail. She further submits that the First Information Report is of the year 2014 and the petitioner has been absconding and

accordingly, the trial of the husband of the deceased was separated and considering this aspect of the matter also, the petitioner may not be enlarged

on bail. However, she does not have any objection if any direction is issued to the learned court below to expedite the trial.

6. After hearing the counsel for the parties, this Court finds that earlier the bail application of the petitioner was rejected in B.A. No. 6246 of 2019.

This Court is of the considered view that offence under Section 306 of IPC is also a serious offence and in view of the statement of daughter of the

deceased recorded under Section 164 of Cr. P.C. and mentioned in the case-diary, there appears to be direct allegation against the petitioner.

7. Considering the nature of allegation against the petitioner, this Court is not inclined to enlarge the petitioner on bail and the fact remains that the bail

application of the petitioner has already been rejected vide order dated 17.08.2019 in B.A. NO. 6246 of 2019 by this Court.

8. However, the learned court below is directed to expedite the trial of the

petitioner.

9. Let a copy of this order be communicated to the learned court below through
â??FAXâ??.