

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B. A. No.9129 of 2014

(Hargovind Midha Vs. The State of Jharkhand)

with

B.A. No.9392 of 2014

(Krishna Devi Vs. The State of Jharkhand)

CORAM : HON'BLE MR. JUSTICE D. N. UPADHYAY

For the Petitioner(s) : M/s. A. K. Kashyap, Sr. Advocate
For the State : A.P.P.
For Informant : Mr. Santosh Kr. Soni, Advocate

06/31.03.2015: Heard learned counsel for the parties.

The petitioners are accused in a case registered under Sections 304(B) and 34 of the Indian Penal Code.

It reveals from the first information report that Priti Midha, who was married with Manish Midha, did not experience happy conjugal life for want of more dowry. Lastly she has been done to death in her matrimonial home and the accused persons have disclosed before the informant that Priti has committed suicide by hanging herself. The informant, who happens to be brother of the deceased, lodged an F.I.R. against the petitioners and other accused.

It is submitted that the petitioner in B.P. No.9129 of 2014 and petitioner in B.P. No.9392 of 2014 are father-in-law and mother-in-law, respectively. Father-in-law was not present in the house at the relevant point of time. Before the incident he had gone to his shop and after receiving information about the death of Priti he had returned home. Mother-in-law had gone to school to bring the daughter of the deceased. When she returned home she found the room of the deceased bolted. When she saw from the window, she found the deceased hanging from ceiling fan of the room. Immediately she entered in the room and brought down the dead body after cutting rope by which the deceased had hanged herself. Since the deceased has committed suicide, which is being corroborated by the postmortem report, the petitioners are entitled to be released on bail.

Counsel appearing for the informant as well as State have opposed the petitioners' prayer for bail and drawn my attention towards description of place of occurrence recorded in the case diary. It is submitted that there was no sign of

tying rope with ceiling fan because dust available on the ceiling fan was as it is. No instrument was available in the room, alleged to have been used by the deceased for tying rope with the ceiling fan. Part of rope was also not found tied with the ceiling fan. As a matter of fact, the accused persons have cooked up a story of suicide after committing murder of Priti.

The statement of mother-in-law that she alone brought down the dead body after cutting the rope appears to be suspicious because part of the rope was not found tied with ceiling fan and dust available on ceiling fan was as it is without having any mark of tying rope.

Considering all these aspects of the matter, I do not feel inclined to release the petitioner, above named, on bail in connection with Bariatu P.S. Case No.110 of 2014, corresponding to G.R. No.1582 of 2014.

Accordingly, petitioners' prayer for bail stands rejected.

(D. N. Upadhyay, J.)

Sanjay/