

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 2522 of 2017

Md. Amzad Hawari @ Amjad Hawari, S/o- Imteyaz Hawari,
village Jamuna Garha, PO&PS-Charhi, District-Hazaribagh

.... Petitioner

-Versus-

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner: Mr. Hemant Kr. Shikarwar, Advocate

For the State : Mr. Gouri S. Prasad, APP

For the Informant: Mr. Shadab Bin Haque, Advocate

10/31.07.2017 Heard the learned counsels appearing for the parties
and perused the documents on record.

The petitioner has been made an accused in Charhi
P.S. Case No. 73 of 2016 corresponding to G.R. No. 2806 of
2016, registered for offence under Section 302/201/34 IPC.

The learned counsel for the petitioner submits that on
similar allegation the police has submitted final form against
his father and the learned trial court has not issued
summons against his father, however, the petitioner has
been roped in the instant case. It is stated that as per the
prosecution story the petitioner and his father were found
carrying the dead body and thus, at best, a charge under
Section 201 IPC can be levelled against the petitioner. It is
submitted that the petitioner is in judicial custody since
11.10.2016 and therefore, he may be released on bail.

The learned APP has opposed the prayer for grant of
bail.

“*Falsus in uno, falsus in omnibus*”, is a well-accepted
principle in criminal law. After investigation the police found
allegation against the father of the petitioner not
substantiated by the witnesses and therefore, a charge-sheet

has not been submitted against him. On this count, I find no illegality when after collecting materials a charge-sheet has been filed against the petitioner and the court has taken cognizance of the offence. In so far as, prosecution for charge under Section 201 IPC is concerned, admittedly the petitioner is the husband, who was apprehended by the villagers near his house when he was carrying the dead body. The dead body was recovered from near his house and the inquest was prepared in the house. In these facts, it is the petitioner who has to disclose how and who committed the murder of his wife, if he has not committed the murder.

Having regard to the facts and circumstances of the case, I am not inclined to grant bail to the petitioner and accordingly, this application is dismissed.

(Shree Chandrashekhar, J.)

Tanuj/-