IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 8219 of 2017

Satlok Singh   .... Petitioner(s).

Versus

The State of Jharkhand   .... Opp. Party(s)

CORAM   :   HON'BLE MR. JUSTICE ANANDA SEN.

For the Petitioner(s)   : Mr. K.S. Nanda, Advocate
For the State   : A.P.P.

....

04/31.01.2018

Heard learned counsel for the parties.

The petitioner is an accused for allegedly committing offence punishable under Sections 302/120(B) of the IPC

Petitioner is not named in the FIR. FIR suggests that suspicion was casted upon the husband of the deceased to be an assailant. During investigation the statement of son of the deceased was recorded. The said statement was recorded in paragraph no. 41 of the case diary. The name of the deceased's son is Rahul Kumar and he stated that he had seen the occurrence and it is the petitioner, who chopped the deceased with the help of an axe. Out of fear, he did not disclose the entire story at the time of lodging of the FIR.

Counsel for the petitioner submits that the statement of Rahul Kumar was recorded after one an half months from the date of lodging of FIR. He further submits that said Rahul Kumar was all along present in the village but he did not give his statement soon before the occurrence.

Learned A.P.P. opposes the prayer for bail and submits that due to fear Rahul did not give his statement. He further submits that Rahul's statement was not only recorded under Section 161 Cr.P.C but his statement was also recorded under Section 164 Cr.P.C wherein he stated that this petitioner had committed murder of his mother and he had seen the entire occurrence.

Keeping in view of the fact that Rahul Kumar is an eye witness and had given the statement that he had seen this petitioner committing the murder of the deceased, I am not inclined to grant privilege of bail to the petitioner. Accordingly, the prayer for bail of the petitioner, namely, Satlok Singh, in connection with Ghaghra P. S.Case No. 51 of 2017, corresponding to G.R. Case No. 423 of 2017 is hereby rejected.

(ANANDA SEN , J)