



2022:JHHC:33917

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.7580 of 2022

Suraj Oraon @ Bhagat Petitioner
Versus
The State of Jharkhand Opp. Party

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. Arun Kumar, Advocate
For the State : Mr. Bishambhar Shastri, A.P.P.

04/28.09.2022 Heard learned counsel for the applicant and learned A.P.P. for the State.

This bail application has been filed on behalf of the abovenamed applicant with prayer to release on bail in connection with Bishunpur P.S. Case No.08 of 2022 registered under Section 302 of the Indian Penal Code pending in the court of learned Additional Chief Judicial Magistrate, Gumla.

Learned counsel for the applicant has submitted that the F.I.R. of this case was lodged against the accused—applicant Suraj Oraon with the allegations that the sister of the informant had been in live in relationship with Suraj Oraon. One month ago, the sister of the informant and Suraj Oraon both had gone to cull out mahuwa and on 13.04.2022 in the evening both after having taken food quarreled on some issue. Thereafter at 8 o' clock of evening both went to take bath at the Well and till late night they did not come back. Despite hectic search no whereabouts was known and on 14.04.2022 at 12 o' clock of day time, when the informant had come after having culled out mahuwa, he came to know that the dead body of her sister was lying at some distance of Well. Hence, this F.I.R. was lodged.

Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in this case. It is further submitted that indeed the applicant was not present at the place of occurrence on the alleged date and time. As per F.I.R. allegations, the evidence of last seen is shown but the same is not corroborated with any other evidence. So far as the confessional statement of the applicant is concerned, the same was not made by him and the alleged recovery has been planted. Moreover, the applicant was having no motive to commit murder of sister of the informant and he has been languishing in jail since 16.04.2022.

Learned A.P.P. appearing on behalf of the State vehemently opposed the contentions made by the learned counsel for the applicant and contended that certainly the prosecution case is not based on direct evidence. As per F.I.R. allegations on the fateful night, the deceased had accompanied the applicant to take bath at the Well and, thereafter, no whereabouts of the



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deceased was known. As per *postmortem* report, the cause of death is shown asphyxia due to strangulation.

In view of the submissions made and materials on record, the bail application of the applicant is hereby allowed. Let the applicant be released on bail on furnishing bail bond of Rs.30,000/-(Rupees Thirty Thousand) with two sureties of the like amount to the satisfaction of the court concerned in aforesaid case.

(Subhash Chand, J.)

Rohit