

Ankit Singh Vs. The State of Jharkhand

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Court : Jharkhand

Decided On : Feb-19-2016

Appellant : Ankit Singh

Respondent : The State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI B. A. No. 9417 of 2015 ---
Ankit Singh @ Ankit, son of Sri Ramesh Chandra Singh, Resident of MIG - 17,
Sector - IV, Bara - 2, P.O. - Bara, P.S. Naubasta, District - Kanpur Nagar (Uttar
Pradesh) Petitioner Versus The State of Jharkhand Opp. Party --- CORAM :
HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY --- For the Petitioner : Mr.
R. S. Mazumdar, Sr. Advocate For the Informant : Mr. A. K. Kashyap, Sr.
Advocate For the State : Mr. Awnish Shankar, A.P.P. --- 07/19.02.2016 Heard Mr.
R. S. Mazumdar, learned senior counsel appearing for the petitioner and Mr. A. K.
Kashyap, learned senior counsel appearing for the informant. Petitioner has been
made accused in connection with Dhanbad P.S. Case No. 1119 of 2014
corresponding to G. R. No. 5177 of 2014, corresponding to T. R. No. 2682 of 2015
registered for the offence punishable under Section 302 of the Indian Penal Code.
The allegation made in the First Information Report is that the deceased was
posted as Assistant Manager, Dhanuadih, Colliery, M/s. Bharat Coking Coal
Limited who was staying at Quarter No. VI-3, X- Board Colony, Hirapur, Dhanbad
along with other employees of M/s. Bharat Coking Coal Limited including the
petitioner. It has been alleged that on 15.11.2014, a party was organized by the

roommates of the deceased in which the deceased did not participate as he was appearing for his CAT examination. Allegation has been made that the petitioner did not like the attitude of the deceased and resultantly he had pulled his leg and banged his head against the wall and subsequently in the morning the deceased was admitted in the Central Hospital, Dhanbad where inspite of Surgery being carried out he breathed his last. Mr. R. S. Mazumdar, learned senior counsel appearing for the petitioner, has submitted that although the case was instituted for the offences punishable under Sections 302 of the Indian Penal Code but after conclusion of the investigation charge-sheet has been submitted only under Section 304 of the Indian Penal Code. -2- It has been submitted that from the statement of the inmates of the quarter there does not appear to be any intention on the part of the petitioner to commit the murder of the deceased. In this context, he has referred to the Paragraphs 24, 25, 26, 27 and 28 of the case diary which contain the statements of the inmates of the house who were all employees along with the deceased in M/s. Bharat Coking Coal Limited. Learned senior counsel has submitted that the statements further reveals that the deceased had taken part in the party but had not consumed liquor and subsequently the deceased had gone to study as he was preparing for the CAT examination. The statement of the aforesaid witnesses as has been pointed out by the learned senior counsel for the petitioner further reveals that in fact an altercation had taken place between the petitioner and the deceased after which the deceased had taken cigarette and had gone to study in his room. Subsequently, in the morning it could be detected about his health condition and thereafter necessary steps were taken so as to admit him in Central Hospital, Dhanbad. Learned senior counsel further submits that it was the petitioner who had donated blood to the deceased. It has been submitted that the petitioner himself has passed the IAS preliminary examination and was preparing for the main examination. Learned senior counsel further submits while referring to the statement of the maid servant which has been recorded at Paragraph - 8 of the case diary that there never was any altercation or any argument between the inmates of the house. This fact has been supported by Pratap Singh who happens to be the neighbor of the petitioner and whose statement has been recorded at Paragraph 9 of the case diary. Learned senior counsel, thus, submits that the entire incident was never intentional which is

revealed from the statement of the witnesses. Learned senior counsel further submits that the petitioner is in custody since 09.09.2015 and considering the circumstances enumerated above, the petitioner deserves to be released on bail. Countering the arguments of the learned senior counsel for the petitioner, Mr. A. K. Kashyap, learned senior counsel appearing for the -3- informant, has submitted that there was deliberate intention on the part of the petitioner as he had pulled the legs of the deceased and banged his head on the wall leading to his skull bone getting fractured in three parts. It has been submitted that only fault of the deceased was that he did not consume liquor and was intending to prepare for his CAT examination which made the petitioner infuriated resulting in the incident. Learned senior counsel also submits that all the inmates of the house as well as the informant have categorically stated about the admission of the petitioner that it was the petitioner who had caused the incident resulting in death of the deceased. It has also been submitted that the conduct of the petitioner has to be seen in view of the fact that when in the morning the deceased was found in a precarious situation it was not the petitioner but one inmate of the house namely Ajay Shankar Suman who had informed the neighbor Pratap Singh about the incident and subsequently they had taken the deceased to a doctor at whose reference the deceased was admitted in the Central Hospital, Dhanbad. It has also been submitted that one Lalmuni Devi, the maid servant, is never an eye-witness to the occurrence and, therefore, her statement cannot be taken into consideration. The entire allegation as it seems is with respect to an incident which had occurred inside the quarter in which the other colleagues of the deceased as well as the petitioner were present. The statement of the witnesses recorded at Paragraphs 24,25,26,27 and 28 give a vivid description about the entire episode which had taken place. Consideration of the statement of the witnesses and the surrounding circumstances do suggest that there was no deliberate intention on the part of the petitioner which had resulted in the death of the deceased. At best the incident can be said to be a case of accident. Moreover, even after the incident, the relationship appears to be cordial as the deceased had taken cigarette and, thereafter, returned to his room to study. So far as the conduct of the petitioner is concerned, it can be deduced from the fact that it was the petitioner who had donated blood in order to save the deceased. The entire gamut of allegations as is revealed -4-

above does not suggest any intention on the part of the petitioner to cause the incident which has led to the death of the deceased. Regard being had to the aforesaid facts, the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Dhanbad, in connection with Dhanbad P.S. Case No. 1119 of 2014 corresponding to G. R. No. 5177 of 2014, corresponding to T. R. No. 2682 of 2015. (R. Mukhopadhyay, J.) Umesh/-

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