IN THE HIGH COURT OF JHARKHAND AT RANCHI
B. A. No. 2703 of 2020

Meena Khatoon … … Petitioner

Versus

The State of Jharkhand … … Opposite Party

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Shashank Shekhar Pd., Advocate
For the Opposite Party : Mr. Tapas Roy, A.P.P.

6/24.09.2020 Heard the parties.

The petitioner is an accused in connection with Lower Bazar P.S. Case No. 12 of 2017 corresponding to G. R. No. 208 of 2017.

It has been alleged that the marriage of the daughter of the informant was solemnized with Shoib Ali in the year 2010. It has been alleged that there was a demand of dowry and ultimately she was ousted from her matrimonial house. It has further been stated that she was staying in her parents' house and the petitioner and others had come which resulted in altercation and she poured kerosene oil and burnt herself. In the dying declaration of the victim, she has stated that it was the petitioner with whom, she had an altercation which resulted in the occurrence. The petitioner is the sister-in-law of the deceased.

Mr. S. S. Prasad, learned counsel for the petitioner has relied on the evidence of Meena Kujur who has been examined as P.W. 8 by creating a doubt on the dying declaration itself.

In this connection, reliance can be placed on the judgment in the case of ***"Satish Jaggi v. State of Chhattisgarh"*** reported in *(2007) 11 SCC 195*, in which it has been held as follows:

> *12. "Normally if the offence is non-bailable also, bail can be granted if the facts and circumstances so demand. We have already observed that in granting bail in non-bailable offence, the primary consideration is the gravity and the nature of the offence. A reading of the order of the learned Chief Justice shows that the nature and the gravity of the offence and its impact on the democratic fabric of the society was not at all considered. We are more concerned with the observations and findings recorded by the learned Chief Justice on the credibility and the evidential value of the witnesses at the stage of granting bail. By making such observations and findings, the learned Chief Justice has*

virtually acquitted the accused of all the criminal charges levelled against him even before the trial. The trial is in progress and if such findings are allowed to stand it would seriously prejudice the prosecution case. At the stage of granting of bail, the court can only go into the question of the prima facie case established for granting bail. It cannot go into the question of credibility and reliability of the witnesses put up by the prosecution. The question of credibility and reliability of prosecution witnesses can only be tested during the trial."

In view of the fact that in the dying declaration, the role of the petitioner has clearly been defined, I am not inclined to allow this application and the same is hereby rejected.

However, the trial be expedited, once the normal court work resumes.

(Rongon Mukhopadhyay, J)

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