2026:JHHC:29336-DB

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Against the judgment of conviction dated 18.07.2017 and the order of sentence dated 19.07.2017 passed by the learned 2nd Additional Sessions Judge-cum-Fast Track Court (Rape Cases) Deoghar in Sessions Trial No. 53 of 2014)

Criminal Appeal (D.B.) No.1650 of 2017

Jageshwar Rana, son of late Bidku Rana, resident of village Karhaiya, PO and PS Sarath, District Deoghar … Appellant(s).

Versus

The State of Jharkhand … Respondent(s).

For the Appellant(s) : Mr. Niranjan Kr. Sinha, Advocate
For the Respondent(s) : Mr. Bhala Nath Ojha, Spl. PP

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PRESENT

SRI ANANDA SEN, J.
SRI PRADEEP KUMAR SRIVASTAVA, J.

J U D G M E N T

29th September 2026

***By the Court*:** We have heard learned counsel appearing for the appellant and learned counsel for the State at length.

2. This Criminal Appeal arises out of the judgment of conviction dated 18.07.2017 and the order of sentence dated 19.07.2017 passed in Sessions Trial No. 53 of 2014 arising out of Sarath PS Case No. 136 of 2013 corresponding to G.R. No. 567 of 2013 whereby and whereunder learned 2nd Additional Sessions Judge-cum-Fast Track Court (Rape Cases) Deoghar convicted the appellant under Section 302 of the Indian Penal Code and sentenced him to undergo rigorous imprisonment for life with fine of Rs. 10,000/- and in default of payment of fine has to undergo further S.I. for 3 months.

3. The learned counsel appearing on behalf of the appellant submits that all the witnesses are hearsay witness. There is no eye-witness who saw the appellant committing murder of the deceased. He submits that the Court below has convicted the

appellant only on the basis of sole testimony, which is not reliable.

4. The learned counsel for the State opposes the prayer and submits that the place of occurrence is the house of the appellant and it is the appellant who had to explain how the death of his wife had taken place. The learned counsel further submits that there is no error in the impugned judgment of conviction and order of sentence passed by learned Trial Court. He further submits that the prosecution through its evidences and witnesses has been able to prove the guilt of the accused beyond the shadow of all reasonable doubts. He further submits that according to the statement of all the witnesses, it is clear that the accused-husband had committed the murder of the deceased-wife. Thus, on the facts and circumstances, the Trial Court has rightly convicted this appellant and this appeal needs to be dismissed.

5. The prosecution case is based on the fardbeyan of one Ashok Rana recorded on 28.08.2013. He stated that in the fateful night at about 11:30 hours his nephew Sarlu Rana informed him by telephone that he got information from his uncle Pachu Ram that in the night Jageshwar Rana woke up him and told that his mother has been burnt. Due to lack of vehicle in the night he did not go there and in the next morning, he along with Jitendra, Chedi and other villagers reached village-Karhaiya where he saw that his sister Anaar Devi is lying in a cot near the door. Her body was covered by a cloth and upon removing the cloth he saw the burnt body of his sister. He stated that Jageshwar Rana developed illicit relation with his daughter-in-law Mala Devi to which deceased Anaar Devi used to protest and occasionally on this issue quarrel took place between them. In the house in the fateful night only his deceased sister Anaar Devi and the

accused-Jageshwar Rana were there. Finding her alone Jageshwar Rana killed the deceased Anaar Devi. Based on the aforesaid *fardbeyan,* FIR being Sarath PS Case No. 136 of 2013 was instituted under Section 302 of the Indian Penal Code.

6. After investigation, the Investigating Officer submitted chargesheet against the appellant for the offence punishable under Section 302 of the Indian Penal Code.

7. On the basis of chargesheet and materials available on record, cognizance was taken and the case was committed to Court of Sessions where charge was framed under Section 302 of the Indian Penal Code and trial proceeded.

8. To prove the prosecution case, altogether 11 witnesses were examined by the prosecution, who are as under:-

PW1 (Panchu Rana), PW2 (Dayamani Devi), PW3 (Paitar Mahto), PW4 (Din Dayal Mahato), PW5 (Rajeev Prasad Rai), PW6 (Manoj Rana) have been declared hostile.

PW7-Jitendra Rana is younger brother of the deceased Anaar Devi. He stated that on information from his nephew he along with the others in the morning went to the matrimonial home of his sister where he saw his sister lying dead. In the cross examination he stated that he has not seen the occurrence but saw burn injury and injury on her head.

PW8-Chedi Rana stated that on receiving information from Saryu Rana he along with others went to the house of Jageshwar Rana where he saw his sister's dead body in burnt condition. He also saw mark of injury on the head. In the cross examination he stated that he has not seen the occurrence but there was mark of injury on the head.

PW9-Ashok Rana is the informant of this case. He stated that on information from Sarlu Rana-nephew they went in the morning there where he saw that his sister's dead body was

lying in the cot near the door and on the head, there was mark of injury. He stated that Jageshwar Rana has illicit relationship with his daughter-in-law to which his wife Anaar Devi opposed and Jageshwar Rana used to quarrel and assault her. In the cross-examination he stated that he has not seen the occurrence but had suspicion because on the fateful night only his sister Anaar Devi and Jageshwar Rana were there.

PW10-Punit Oraon had taken charge of investigation. He identified the inquest report and formal FIR.

PW11-C.N. Bhagat has recorded the statement of Ashok Rana which has been marked as Ext. 5. He also identified the endorsement in the fardbeyan and inquest report.

PW12-Dr. Nawal Kishore has exhibited the postmortem report. He found the following injuries on the body of the deceased:

External injuries–

Superficial to deep burn involving the whole body sparing the sole of the foot and singering of hair of scalp.
Line of rednuls present with basal erythma.

Internal injuries –

Dissection of skull – NAD
Dissection of chest – lung pale and congested.
Heart (little side) found empty.
Dissection abdomen
Stomach was found empty: Bladder about 50 ml of urine.
All other abdominal organs found congested.

In the opinion of the doctor cause of death is due to shock caused by extensive antemortem burn injury by fire (flame).

9. Following documents have been exhibited :

i. Ext.1 – Signature of Chedi Rana on carbon copy of inquest report.
ii. Ext. 2–Signature of Ashok Rana on fardbeyan.
iii. Ext.3 –Signature of carbon copy of inquest report.
iv. Ext.4 – Signature of Chandra Nath Bhagat on formal FIR
v. Ext. 5 – Fardbeyan

vi. *Ext. 6 – Signature of Jitendra Rana and Ashok Rana on fardbeyan.*
vii. *Ext.7 – Carbon copy of inquest report.*
viii. *Ext. 8 – Postmortem Report.*

10. We have gone through the entire records and have heard the argument of the parties. We find that there is no eye witness to the said occurrence and the whole case is based on the circumstantial evidence.

11. From the evidence of the doctor and the postmortem report, we find that the cause of death is due to shock caused by extensive antemortem burn injury by fire. Thus, we hold that the death was homicidal.

12. Further, as per the evidence of the witnesses it has been proved, that the dead body was found inside the house of the appellant, lying in a cot near the door. Thus, the death occurred inside the house of the appellant is proved. There is no satisfactory explanation given by the appellant as to how the death occurred. This fact gains importance on the backdrop that in the house only the deceased and the appellant were residing. This is an additional circumstance which also goes against the appellant. Further there is corroboration that the relation of deceased and appellant was not good and deceased use to assault his wife.

13. The Hon'ble Supreme Court in "**Uma & Anr. vs. The State Rep. by the Deputy Superintendent of Police"** reported in **"2024 SCC OnLine SC 2994"** has held as under:-

> "24. In the case of Trimukh Maroti Kirkan v. State of Maharashtra, [2006] Supp. (7) S.C.R. 156, this Court has pointed out that there are two important consequences that play out when an offence is said to have taken place in the privacy of a house, where the accused is said to have been present. Firstly, the standard of proof expected to prove such a case based on circumstantial evidence is lesser than other cases of circumstantial evidence. Secondly, the appellant would be under a duty to explain as to the circumstances that led to the death of the deceased. In that sense,

there is a limited shifting of the onus of proof. If he remains quiet or offers a false explanation, then such a response would become an additional link in the chain of circumstances. In terms of Section 106 of the Evidence Act, the Appellants have not discharged their burden that the injuries sustained by the deceased were not homicidal and not inflicted by them."

In this case the appellant has not been able to discharge the onus. He has not explained the circumstances which led to unnatural death of the deceased.

14. Further, we find that there is evidence that the appellant has illicit relation with his daughter-in-law to which his wife-Anaar Devi used to object. There was quarrel and assault between them on this issue. There is evidence in this regard.

15. Considering the aforesaid evidence and what has been discussed above, we find that the prosecution has been able to prove the guilt of the appellant beyond all reasonable doubt. Thus, we affirm the judgment of conviction dated 18.07.2017 and the order of sentence dated 19.07.2017 passed by learned 2nd Additional Sessions Judge-cum-Fast Track Court (Rape Cases) Deoghar in Sessions Trial No.53 of 2014 arising out of Sarath P.S. Case No. 136 of 2013 corresponding to G.R. No. 567 of 2013.

16. Accordingly, this appeal is **dismissed**.

17. Let a copy of the judgment along with the Trial Court Records be sent back to the Court concerned forthwith.

(ANANDA SEN, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

High Court of Jharkhand, Ranchi
Dated : 29/09/2026
Tanuj/
N.A.F.R.
Uploaded on 07.10.2026