

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Criminal Appeal (D.B.) No. 381 of 2019**

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1. Safat Begum		
2. Gazala Farhat		.....Appellants
	Versus	
The State of Jharkhand		....Respondent

**CORAM: HON'BLE MR JUSTICE RONGON MUKHOPADHYAY**  
**HON'BLE MR JUSTICE RAJESH KUMAR**  
**Through-Video Conferencing**

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For the Appellants	: Mr. Jitendra S. Singh, Advocate
For the State	: Mrs. Lily Sahay, A.P.P.
For the Informant	: Mr. Pradipto Mitra, Advocate.

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**I.A. No. 2176 of 2021**

**06/08.09.2021** Heard Mr. Jitendra S. Singh, learned counsel for the appellant and Mrs. Lily Sahay, learned A.P.P. for the respondent –State and Mr. Pradipto Mitra, learned counsel for the informant.

Through this interlocutory application, the appellant no. 2 has renewed her prayer for bail during the pendency of this appeal.

Appellant No.2 has been convicted for the offence under Sections 306 and 498A of the Indian Penal Code and has been sentenced to undergo R.I. for ten years as well as Rs.50,000/- fine for the offence under Section 306 of the IPC and R.I. for three years as well as Rs.10,000/- fine for the offence under Section 498A of the IPC.

Learned counsel for the appellant no. 2 has submitted that she is the sister-in-law of the deceased. It has been further submitted that evidence of the witnesses does not indicate that there was abetment on the part of the appellant No.2 which led to the deceased committing suicide. Learned counsel further submits that initially charges were framed under Section 304B as well but on consideration of the evidence on record, the appellant No. 2 was acquitted for the charge levelled under Section 304B of the IPC. Learned counsel for the appellant has referred to the evidence of P.Ws. 3 and 5 by stating that only on account of the appellant No.2 preventing the deceased from cooking *keema*, the same has been construed by the learned trial court to an act of abetment, which has resulted in commission of suicide by the deceased.

Learned APP and learned counsel, Mr. Pradipto Mitra appearing on behalf of the informant has referred to the medical evidence and stated that ante-mortem injuries were found on the person of the deceased, apart from a dead fetus which was also found. It has been stated that Investigating Officer had detected that the deceased was subjected to assault and torture on account of certain demands,

which have not been fulfilled. They have also referred to the evidence of P.W.-5 that the appellant used to regularly commit assault upon the deceased.

The evidence of the witnesses as put forward by the learned counsel for the appellant as well as learned counsel for the informant, reveals that the primary cause of the incident seems to be that of the deceased being not allowed to cook *keema* by the appellant No.2. So far as the assault by the appellant No.2 is concerned, there seems to be a solitary evidence as given by the P.W.-5. Learned trial court after consideration of the evidence, has acquitted the appellant no. 2 for the offence under Section 304B of the IPC while convicting her for the offence under Sections 306 and 498A of the IPC.

In view of the fact that prima facie the act of the appellant as depicted by the P.W-3 and P.W-5 do not constitute the act of abetment, the appellant No.2, namely, Gazala Farhat during the pendency of this appeal, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each, to the satisfaction of learned District & Additional Sessions Judge-X-cum- FTC, East Singhbhum at Jamshedpur in S.T. No. 241/2014.

Accordingly, the instant interlocutory application stands allowed.

**(Rongon Mukhopadhyay, J)**

**(Rajesh Kumar, J)**