

**(2011) 08 JH CK 0068**

**Jharkhand High Court**

**Case No:** Writ Petition (Cr.) No. 392 of 2005

Hazara Bibi

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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**Date of Decision:** Aug. 19, 2011

**Acts Referred:**

- Arms Act, 1959 - Section 25(1), 26

**Hon'ble Judges:** Prakash Tatia, Acting C.J.

**Bench:** Single Bench

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**Judgement**

Prakash Tatia, A.C.J.

1. By Court- This writ petition has been preferred by widow of one Ali Hussain, who was taken in custody by the police on 15th November, 2004 in a case instituted u/s 25(1b)/26 of the Arms Act in Palajori PS Case No. 122 of 2005 corresponding to G.R. Case No. 725 of 2005.

2. The Petitioner's husband, when was in custody, was found dead in Hazat and was found hanging from ventilator. A Magisterial inquiry was also ordered and the Executive Magistrate submitted its report dated 17th December, 2005 indicating that in his opinion, it is a case of suicide; whereas the Petitioner's contention is that from the manner in which the Petitioner's husband was alleged to have been found handing, it cannot be believed that it could have been a case of suicide.

3. The learned Counsel for the Petitioner submitted that it was alleged that Petitioner's husband tied up one of the sleeves of his own shirt and hanged himself from the ventilator and that itself cast a serious doubt, in view of the fact that a sleeve if tied in the neck of a person and it is used of hanging then both sleeves which are stitched, they are bound to fall the person down without getting the person tight and getting the cloth intact. Learned Counsel for the Petitioner also drew my attention to the other allegation and requested that in the facts and circumstances and when the writ Petitioner being widow of the deceased, who was

taken into custody, has reasonable apprehension, then an investigation is required to be conducted by an independent agency, not by the State agency, so as to find out the cause of death of the husband of the writ Petitioner.

4. I have also perused the earlier orders passed by this Court and I deem it fit and proper that without entering into the merit of the case in any manner, it will be appropriate that a fresh investigation may be conducted by the Central Bureau of Investigation and, therefore, the State is directed to refer the matter to the Central Bureau of Investigation for investigating the matter.

5. The writ petition is disposed of with the above direction.