

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35520 of 2014

Arising Out of PS.Case No. -42 Year- 2014 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

1. Gaurav Kumar Verma S/o Pramod Kumar Verma @ Dilranjan Kumar Verma R/o village- Areraj, Ward No.-1, P.S.- Govindganj, District- East Champaran, At Present address- Mohalla of Chadmari (Near Durga Mandir), P.S.- Motihari Town, District- East Champaran)

.... Petitioner/s

Versus

1. The State of Bihar null null

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1

For the Opposite Party/s : Mr. Md.Ataur Rahman(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 02-03-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is in custody since 24-3-2014 in connection with Govindganj P.S.Case No. 42/2014.

The informant in the present case is the brother of deceased Priyanka Kuwer. It is alleged that the said Priyanka Kuwer was residing in her matrimonial home and had lost her husband in the year 2011. The allegation, as made out in the F.I.R.,is that the petitioner, son of Pramod Kumar Verma, who is



Bhaisur of deceased Priyanka had been torturing her with a view to grab the property of her share belonging to her late husband. It has been alleged in the F.I.R. that on 23-3-2014 all the members of the family including this petitioner sprinkled kerosene oil on the body and set her on fire. It is further stated that she came out running from inside the house and the brother of the deceased as well as other neighbours/co-villagers saw her coming out from her house and thereafter they took her to Sadar Hospital, Motihari, which referred her to P.M.C.H and in the way she succumbed to her burn injuries.

Learned counsel for the informant has drawn my attention to several paragraphs of the case diary, as also those which have been referred in the impugned order. It has been submitted by the learned counsel for the petitioner that the villagers had seen her running out of the house in burning condition and thereafter they had taken her along with her brother for treatment. Learned counsel for the State submits that the allegation against this petitioner as well as the father of this petitioner and other family members is same and similar. It has also been submitted that in several paragraphs of the case diary it has been stated that the villagers saw her coming in burning condition. However, neither in the F.I.R. nor in course of investigation in the case diary has

any statement come indicating as to how the brother, who is said to be the first person who saw his sister coming from inside the house in a burning condition, had reached the place of occurrence or whether he was present there from before. Considering that there is no plausible explanation offered nor there is any reference thereto in the case diary, the story of the informant that he was present at the place of occurrence comes under cloud.

Since the petitioner has already remained in custody for almost one year and also because he is a student and has already missed one academic session and there is no criminal antecedent, let the petitioner Gaurav Kumar Verma be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Subdivisional Judicial Magistrate, Sadar, Motihar in connection with Govindganj P.S. Case No. 42/2014.

(Anjana Mishra, J)

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