

Arising Out of PS.Case No. -37 Year- 2015 Thana -GUTHNI District- SIWAN

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

The prosecution case is that the sister of the informant Kasturi Singh was married with the petitioner seven years prior to the occurrence. On 01.03.2015 at 9.30 A.M. the neighbours of the in-laws of the sister of the informant informed that the petitioner after pouring



Kerosene Oil caused burn injury to her and escaped from the scene. The victim has been taken to Guthani Hospital and from there to Siwan Hospital and thereafter Gorakhpur Hospital, where she died on 02.03.2015. The occurrence has been seen by the two children of the sister of the informant.

It is submitted by the learned counsel for the petitioner that petitioner admits his marriage with the sister of the informant. The eldest child of the petitioner, on the date of occurrence was nine years old and youngest one was six years old, hence, the case was wrongly registered under Section 304B of the Indian Penal Code. Though, on conclusion of investigation charge-sheet has been submitted under Sections 302, 498A, 506 of the Indian Penal Code. As per informant, eye witnesses to the occurrence are only children of the petitioner.

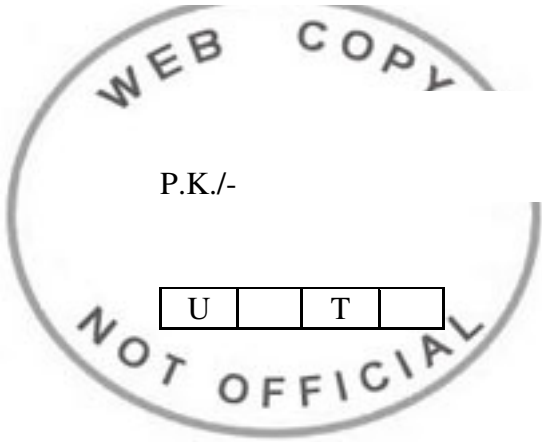
Learned A.P.P. after going through the case diary submits that I.O. during investigation has not recorded the statement of the children. This is admitted case, as submitted by the learned counsel for the petitioner, that victim was first taken to Guthani Hospital, from there to Siwan and thereafter to Gorakhpur Hospital, where she died, but learned A.P.P. submits that I.O. has not brought on record the medical report/injury report to either of the hospitals, which suggests the callous manner in which the

serious offence has been investigated and supervised by the Senior Police Officer. Though, the accusation of killing has been supported by the informant, the father of the victim and others as hearsay witnesses.

Learned A.P.P. further concedes that no witness from the place of occurrence has been examined by the Investigating Officer. However, some of the witnesses, who have been considered as independent witnesses have stated in paragraphs 53, 54 and 55 of the case diary as hearsay witness that the victim received accidental burn injury. Similar is the stand of the petitioner that the victim received accidental burn injury and the petitioner provided her medial assistance as he took her to Guthani Hospital, from there to Siwan Hospital and thereafter to Gorakhpur Hospital. The post-mortem was done on 02.03.2015 at P.R.D. Medical College, Gorakhpur at 3.50 P.M., whereas the present First Information Report was registered on 02.03.2015 at 10.45 A.M.

Considering the fact that the investigation has already concluded, no eye witness has been examined by the Investigating Officer during investigation, let the above named petitioner, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Guthni P.S. Case No. 37

of 2015.



(Dinesh Kumar Singh, J)