

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56719 of 2015

Arising Out of PS.Case No. -170 Year- 2014 Thana -CHAPRA MUFFASIL District- SARAN

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1. Nikku Kumar Singh @ Manish Ranjan @ Manish Rajan son of Shambhu Singh, residents of Village- Dahiyawan Tola, P.S.- Chapra Muffasil, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

For the Informant : Mr. Harish Kumar

For the Opposite Party/s : Ms. Gulnar Begum(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 03-05-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 328/302/379/34 of the Indian Penal Code.

Diary in this case was called for earlier which has since been received.

Learned counsel for the petitioner submits that there are various theories advanced by the informant at various stages of the investigation. Initially, it had been stated in the First Information Report that the petitioner along with his brother had been harassing the girl and they were found to be peeping while she was leaving to meet her friend. In the subsequent statement, it has come on record as stated by the informant, that the petitioner had



carried the girl on a motorcycle. In the further statement made by the informant, it had been stated that the petitioner had been hiding and waiting for the victim girl to come out of the house at 12:00 O'clock in the afternoon and at 05:30 P.M., he came to know that the dead-body of the victim girl was lying in the Sadar Hospital, Chapra. In the said statement, it has further been averred that the petitioner along with his brother had administered poison resulting in the death of the said Priyanka Kumari. It was also indicated therein that the informant had received a call from the phone number of his daughter stating that she was lying in the Sadar Hospital, Chapra. Subsequently, in paragraph No. 40 of the case diary, it has been stated that one Kanhaiya Singh had come to his house stating that the deceased Priyanka Kumari was found to be sitting on the motorcycle of the petitioner and going towards the bus-stand. In this very said statement, the witness has also stated that at that very point of time, the informant had disclosed that the dead-body of Priyanka Kumari was lying in the Sadar Hospital.

A protest petition filed by the informant in the Court below has also been produced to indicate that the informant had himself seen the petitioner administering poison to the victim girl near the *Mandir* from where it is alleged that the victim has been picked up.

Strangely enough, neither in the First Information Report nor in the subsequent statement has the informant brought these facts before the Investigating Agency. The story regarding the statement of Kanhaiya Singh has been recorded after 13 days i.e. 25.08.2014.

Learned counsel for the informant submits that earlier while considering the case of the brother of the petitioner, this Court had noted that there was no material available against Chikku Kumar Singh, brother of the present petitioner, this does not necessarily mean that there was sufficient material with regard to the other accused. The para merely indicates that the deceased had communicated with Nikku Kumar Singh, but in view of the contrary statements and other circumstances, the story advanced by the informant can be placed under a cloud.

In view of the aforementioned facts and circumstances and there being admittedly no eye-witness, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 170/2014, subject to the

conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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