

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33771 of 2016

Arising Out of PS.Case No. -109 Year- 2014 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

=====

1. Anil Singh @ Anil Singh Yadav Son of Sri Niwash Singh Yadav resident
of Village- Khtoliya, P.S.- Sheosagar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

For the Opposite Party/s Smt. Rita Verma

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

03/ 22.10.2016 Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State assisted by learned counsel for
the informant.

Petitioner seeks bail in a case registered under section
302/34 of the Indian Penal Code.

Initially, informant filed complaint petition on 24.4.2014 for
the occurrence of 27.3.2014 and thereafter, complaint petition was
converted into the present case.

The accusation against the petitioner is that he took the
deceased but subsequently, on the next day, deceased was brought in
burnt condition and after that he was taken to Banaras for treatment
where he died on 16.4.2014.

It is stated at para 24 of the case diary that statement of the
deceased was recorded in hospital on 13.4.2014 and in the aforesaid
statement, deceased specifically, stated that he was taken by the
petitioner to his house where kerosene oil was poured at him and after

that fire was lit as a result of which he sustained injuries.

Submission on behalf of the petitioner is that in the aforesaid so-called dying declaration, deceased has, nowhere, stated that it was the petitioner who poured kerosene oil and lit fire on the person of the deceased. It is further submitted that in course of investigation, I.O found that the occurrence had taken place in the house of one Mantu Chero which is evident from para 13 of the case diary and witnesses vide paras 14 and 15 of the case diary claimed that they had seen a boy coming out from the house of Mantu Chero in burnt condition. Learned counsel for the petitioner further submits that, as a matter of fact, deceased was in love with one Parmila Kumari who happens to be sister of the petitioner but marriage of Parmila Kumari had already been taken place and she was waiting for **Bidai** which caused annoyance to the deceased and committed suicide in the house of Mantu Chero and after more than 16 days, he implicated the petitioner in his so-called dying declaration.

Petitioner is in jail custody since 26.4.2016 and investigation against him has already been completed.

Considering the aforesaid submissions as well as this aspect of the matter that investigation against the petitioner has already been completed, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram in Shiv Sagar (Baddi) P.S. Case no. 109/2014.

shahid

(Hemant Kumar Srivastava,J)

U		T	
---	--	---	--