

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47921 of 2019

Arising Out of PS. Case No.-335 Year-2019 Thana- KHAJANCHI HAT District- Purnia

1. Udit Verma @ Udit Kumar Verma, male, aged about 70 years, Son of Late Narendra Nath Das @ Narayan Lal Das, Resident of Khariya Basti, Ward No. 10, Araria, P.S.- Araria, Distt - Araria.
2. Vartika Verma @ Dila Kumari @ Daizy Kumari, female, aged about 40 years, Wife of Abhishek Kumar, Resident of Village - Raghopur, Bihta, P.S.- Bihta, Distt. - Patna.
3. Fatima Soren @ Fetian Soren @ Pratima Kumari, female, aged about 20 years, D/o Tala Soren, Resident of Basta Kola East (Adiwasi Tola), Mastan Chowk, P.S.- Mastan Chowk, Distt. - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46929 of 2019

Arising Out of PS. Case No.-335 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Dheeraj Kumar Verma, Son of Udit Kumar Verma, aged about 41 years, male, Resident of Vishwanath Palace, Khariya Basti, Ward No.-10, Araria, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 47921 of 2019)

For the Petitioner/s : Mr. Gouranga Chatterjee, Adv.

For the State : Mr. Shantanu Kumar, APP

For the Informant : Mr. Mrigendra Kumar, Adv.

(In CRIMINAL MISCELLANEOUS No. 46929 of 2019)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

For the State : Mr. Shantanu Kumar, APP

For the Informant : Mr. Mrigendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 20-11-2019 Both the anticipatory bail applications have been heard together and are being disposed off by this common order.

Heard Mr. Gouranga Chatterjee, learned counsel for the petitioners in Cr. Misc. No. 47921 of 2019, Mr. N.K. Agrawal, learned Senior Advocate for the petitioner in Cr. Misc. No. 46929 of 2019 and Mr. Mrigendra Kumar, learned counsel for the informant. Mr. Shantanu Kumar, learned Addl. Public Prosecutor for the State has also rendered his assistance in disposal of these cases.

The petitioners, in both the applications, seek bail in anticipation of their arrest in connection with K.



Hat P.S. Case No. 335 of 2019, dated 16.05.2019, instituted for the offences under Sections 302 and 201/34 of the Indian Penal Code.

The petitioners in Cr. Misc. No. 47921 of 2019 are the father-in-law and sister-in-law of the deceased respectively and a maid servant, who is alleged to have been spotted by the deceased along with her husband in a compromising position.

The petitioner in Cr. Misc. No. 46929 of 2019 is the husband of the deceased.

The First Information Report has been lodged by the maternal uncle of the deceased, who has alleged that the deceased was married to Dheeraj Kumar Verma (the petitioner in Cr. Misc. No. 46929 of 2019) about seven years ago. It has further been alleged that aforesaid Dheeraj Kumar Verma was stealthily carrying on a relationship with a young girl of 18 years. It has also been alleged that the deceased was always threatened of being killed and ultimately she was done to death, but in order to screen the offence, a rumour



was set afloat that since the deceased was not of sound mind, she committed suicide.

On the basis of the aforesaid written report, a case *vide* K. Hat P.S. Case No. 335 of 2019 was registered for investigation for the offences under Sections 302 and 201/34 of the Indian Penal Code.

Learned counsel for the petitioners have shown to this Court some photographs which indicate that the relatives of the deceased had participated in the cremation, though from such photographs, it cannot definitely be ascertained that the persons who are seen participating in the cremation are the relatives of the deceased.

However, the fact that even independent persons have narrated during the course of investigation that on the death of the deceased, the door was broken open and the dead-body was brought down from the ceiling fan. This obviously leads to a presumption that the deceased committed suicide. What could have been reason for such act is yet not



known and could be determined only at the trial; but what can be easily inferred is that the deceased was not done to death. Apart from this, the evidence is of the deceased having been taken to her parental house for cremation.

Another aspect which has been brought to the notice of this Court by the learned counsel for the parties that since it was a case of unnatural death, the local police was also informed, but because of their being busy in elections, they arrived late. Under such circumstances, the dead-body was cremated as there was no doubt at that point of time that the deceased had killed herself.

The relationship between the spouses also was not reported to be disturbed. The falsity of the allegation, it has been urged, is further reflected from the fact that one of the married sisters-in-law of the deceased and a maid servant of the house also have been made accused in this case. The father-in-law of the deceased, it has been submitted, is suffering from



cancer and certain medical papers have been brought on record, indicating that he is being administered treatment for such a deadly disease.

Considering the entire set of facts in a holistic manner, this Court is inclined to and grants anticipatory bail to petitioner Nos. 1, 2 and 3 (Cr. Misc. No. 47921 of 2019), who are father-in-law and sister-in-law of the deceased respectively and the maid servant.

In the event of arrest or surrender of petitioner Nos. 1, 2 and 3 in Cr. Misc. No. 47921 of 2019 before the learned Court below within a period of four weeks, they are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat P.S. Case No. 335 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The prayer for grant of anticipatory bail of the husband of the deceased, viz., Dheeraj Kumar



Verma (petitioner in Cr. Misc. No. 46929 of 2019) is hereby rejected.

However, if the petitioner/Dheeraj Kumar Verma surrenders before the Court below within a period of four weeks and seeks bail, the Court below, after taking into account all necessary facts into consideration for disposal of such a petition, shall pass a reasoned order in accordance with law, without being prejudiced by the fact that the present anticipatory bail application (Cr. Misc. No. 46929 of 2019) has not been entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

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