

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20550 of 2020

Arising Out of PS. Case No.-360 Year-2019 Thana- MAIRWAN District- Siwan

CHANDAN VERMA @ CHANDAN KUMAR VERMA, S/o Ramnaresh
Verma, R/o village- Majhouli Road Mairwa, P.S.- Mairwa, District- Siwan
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. (Dr.) Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2020 The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects, within a period of three weeks of resumption of the court proceeding in physical mode.

In case, non-removal of defects within undertaken period, the office will place the matter again before the bench.

Heard learned Sr. Counsel for the petitioner and learned APP for the State.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 302, 201, 120B/34 of the Indian Penal Code and Section



27 of the Arms Act.

The prosecution case as per the written report of Shyam Deo Verma submitted before the Mairwa Police Station is to the effect that the informant got her daughter, Soni Kumari married with the petitioner, Chandan Verma, about 20 years prior to lodging of the present case. But since the daughter of the informant could not be blessed with any child, the petitioner, after assaulting, brought the daughter of the informant to her parents' house. Subsequently, the petitioner came to the house of the informant and started assaulting her daughter and when the son of the informant, Pintu Verma protested, the petitioner assaulted him and threatened the informant to kill all his three sons. It is alleged that on 27.12.2019, the son of the informant, Pintu Kumar received several unknown calls on his mobile phone and thereafter, he went outside the house, but he did not return. Subsequently, the dead body of the son of the informant was found lying on a road. Hence, it was claimed that the petitioner has killed the son of the informant.

It is submitted by learned Sr. Counsel for the petitioner that only on the basis of suspicion, the petitioner has been named in the FIR and except the suspicion neither any cogent material nor any direct evidence has been collected during investigation. The informant is the father-in-law of the petitioner. The petitioner is languishing in custody since 09.01.2020 and investigation has



already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that it is strong case of circumstantial evidence when the petitioner might have killed the victim.

Considering the fact that the accusation is based on mere suspicion and that there is no cogent material against the petitioner, the investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 7th ACJM, Siwan, in connection with Mairwa P.S. Case No. 360 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on



furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned 7th ACJM, Siwan, in connection with Mairwa P.S. Case No. 360 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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

