

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25345 of 2020

Arising Out of PS. Case No.-67 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Shiv Kumar @ Gunjan Son of Gopal Pandit Resident of Village - Manjhaul,
P.S.- Cheriya Bariyapur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 21-12-2020 This matter has been taken up in virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences
punishable under Sections 341/323/307/504/326/34 of the Indian
Penal Code in connection with Cheriya Bariarpur P.S. Case No. 67 of
2019.

Wife of this petitioner is informant of this case. She has
alleged that since the petitioner was carrying extra-marital relation
and the wife opposed, for that reason the petitioner burnt her. The
doctor has found consistent burn injury of 80% on the person of the
informant.

Learned counsel for the petitioner submits that there is



delay of 40 days in recording the fardbeyan which was recorded on 05.05.2019 whereas the occurrence allegedly took place in the night of 30.03.2019. The petitioner is in custody since 13.01.2020. Investigation of the case is already complete.

Learned counsel for the petitioner further submits that in paragraphs-17 and 18 the witnesses have stated that the victim herself burnt and falsely implicate to the family members.

It is not evident that those witnesses were present at the time of occurrence which took place at 8:10 PM inside the house. The fardbeyan of the victim reveals that the same was recorded in the hospital. The doctor has found 80% burn injury. Hence, it was understandable that under what circumstances the fardbeyan could not be recorded at the earliest.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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