

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24993 of 2021

Arising Out of PS. Case No.-237 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

SARVAN VERMA Son of Mr. Rajendra Verma Resident of Village - Jataha Bazar, P.S.- Jataha Bazar, District - Kushinagar, Actual village - Barki Ekanawahi Ward No. 7, P.S. - Jataha Bazar, District - Kushinagar (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Ritwik Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the State	:	Mr. Narendra Kumar Singh, Adv.
For the Informant	:	Mr. Ranjeet Kumar Pandey, Adv. Mr. Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated that the four accused persons including the petitioner herein came and the brother of the informant proceeded with them. He did not return by evening. Subsequently, information was received about a dead body having been found in the river. On going at the place of occurrence, the informant states that he identified the dead body as that of his brother.



It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Accepting the allegations made in the F.I.R. for the sake of argument, at best the case against the petitioner is of last seen. There is no eye witness to the occurrence. It is further submitted that as per the narration in the F.I.R. while the brother of the informant proceeded on 26.7.2019, as per the informant, the dead body was discovered on 29.7.2019, however for no reasonable explanation, the matter was reported to the police station and the F.I.R. registered only on 16.8.2019. The petitioner is in custody since 7.1.2021.

Heard learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but a number of witnesses whose statements have been recorded in course of investigation have supported the fact that it was the petitioner and others who had taken the brother of the informant and soon thereafter the dead body was recovered. The petitioner has large number of criminal antecedents mentioned in paragraph no. 3 of the petition.

Having heard learned counsel for the parties and taking into consideration the facts of the case, at best the case



against the petitioner being of last seen, the delay in lodging of the F.I.R. and the petitioner having remained in custody for more than 11 months, the Court directs the petitioner to be enlarged on bail in connection with Kuchaikote P.S. Case no.237 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VII, Gopalganj.

(Partha Sarthy, J)

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