

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5080 of 2021

Arising Out of PS. Case No.-471 Year-2020 Thana- SAHAYAK NAGAR District- Katihar

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Shubham Verma, aged about 25 years, male, Son of Hari Prasad Verma @
Hari Prasad Das, Resident of P & T Chowk Barmasiya, Police Station -
Katihar Sahayak, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeeva Roy, Sr. Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 08-10-2021 Heard Mr. Rajeeva Roy, the learned Senior

Advocate for the petitioner and Mr. Ram Sevak Choudhary,

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Katihar Town (Sahayak) P.S. Case
No. 471 of 2020, dated 06.09.2020, which was initially
instituted for the offence under Section 365 of the I.P.C. but



later, Sections 302, 201 and 34 of the I.P.C. were also added.

The F.I.R. has been lodged by the father of the deceased, suspecting no one. It has been alleged in the F.I.R. that his son/victim/deceased was missing from his room since night. Much later, a decomposed dead-body is said to have been recovered from a water body. It was identified to be that of the son of the informant by the wearing apparel.

During the course of investigation, it came to light that the deceased had a one sided love with the sister of the petitioner. For such a relationship, there appears to have been some exchange of communication between the deceased as well as the petitioner and his brother. But such communication was made approximately a month before the deceased went missing from his house. The only material which has been collected during the course of investigation is the statement of the two brothers of the deceased who have vaguely stated about the deceased continuing with a one sided affair with the sister of the petitioner. One of the



friends of the deceased is said to have given statement before the police that the deceased had become alcohol addict and he did not sleep well in night. It has also come during the course of investigation that the deceased was so desperate to marry the sister of the petitioner that he had disclosed once that either he shall marry her or he will committing suicide.

In this background, Mr. Roy, the learned Senior Advocate has submitted that merely because there is some reference of an one sided affair of the deceased with the sister of the petitioner, he ought not to be prosecuted in this case in the absence of any cogent evidence regarding the killing or kidnapping of the deceased. He has further submitted that the victim himself had come out of his house, or else, it would have been reported in the F.I.R. or would have been stated by some witness during the course of investigation. It is quite possible that the deceased, as a jilted lover, would have committed suicide, but that also is only a conjecture. It has also been submitted that even the identification of the deceased is highly doubtful.



The petitioner is a student and on such vague accusation, he ought not to be sent to custody.

The petitioner, it has been submitted, is ready to participate in the investigation and up-till now, he has not avoided helping the police to unravel the mystery of the death of the deceased.

Regard being had to the facts afore-stated, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar Town (Sahayak) P.S. Case No. 471 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, it is directed that the petitioner shall continue to participate and co-operate in investigation and if he is charge-sheeted, he shall participate in the trial. Not doing so would render his bail liable to be cancelled.



The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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