

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29488 of 2015**

Arising Out of PS.Case No. -144 Year- 2014 Thana -BANIAPUR District- SARAN

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1. Shashi Kant Sharma @ Sonu son of Kameshwar Sharma resident of village Darhibari Police Station Baniapur District Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manindra Kumar

For the Opposite Party/s : Mr. Indu Bala Pandey(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3      29-10-2015                      Heard the learned counsel for the petitioner, the learned A.P.P. as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 304 (B)/34 of the I.P.C

Rita Kumari, daughter of the informant, was married with the petitioner in the year 2011 and just after one month of marriage the petitioner and other in-laws started torturing her for dowry and then the informant fulfilled part of their demand but again she was being tortured and thereafter the informant was informed that his daughter is burnt due to burst of stove and when he went there the petitioner and other family members fled away from the house and thereafter he was bringing his daughter to Sadar Hospital, Chapra but in the way she succumbed to the

injury.

Submission is of false implication and that the wife of the petitioner caught fire due to burst of stove and this information was given to the informant at once. The independent witnesses vide paragraphs- 80, 81, 82 and 83 of the case diary have stated that they came to know that due to bursting of stove the fire caught. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail of the petitioner by submitting that the Investigating Officer has not found any stove at the place of occurrence and those independent witnesses are not the eye witnesses, they have stated as per the version of father of the petitioner. The other witnesses have supported the allegation regarding demand of dowry and as unnatural death has occurred within seven years of marriage and as such the petitioner being husband does not deserve bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, at this stage this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Baniapur P.S. Case No. 144 of 2014 pending in

the court of Shri S.D. Bharti, J.M. 1<sup>st</sup> Class, Chapra.

However, the trial court is directed to expedite the trial and to conclude the same preferably within six months, failing which the petitioner will be at liberty to renew his prayer for bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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