

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6857 of 2015

Arising Out of PS.Case No. -86 Year- 2014 Thana -MAHISI District- SAHARSA

- =====
1. Sita Ram Sharma @ Shibu Sharma @ Shibu son of Late Buchee Sharam
 2. Jitendra Sharma son of Sheetal Sharma
 3. Reshma Devi wife of Sheetal Sharma
 4. Dharemdnra Sharma son of Sheetal Sharma
- All R/o Shisona, P.S.- Mahishi, District- Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Prem Kumar Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 21-05-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Mahishi P.S. Case No. 86 of 2014 registered for the offences punishable under Sections 304B, 201/34 of the Indian Penal Code.

The daughter of the informant was married with the petitioner no. 2 Jitendra Sharma in the year 2008 and out of the wedlock three daughters and one son have born, but on 25.5.2014 the informant was informed by one Manohar Sharma that his daughter has been killed and then the informant went there and he did not find anyone and the dead body has also been disappeared.



Submission is of false implication and that after knowing the reality, the informant has filed petition regarding the innocence of the petitioners. Manohar Sharma has also filed petition accordingly, in the court below supported with affidavit regarding innocence of the petitioners and informant has stated that his daughter was married in the year 2004 and, as such, offence under Section 304B of the Indian Penal Code is not made out. Further during investigation the independent witnesses vide paragraph 8, 9, 18, 19, 27, 28 and 36 of the case diary have stated that the deceased has committed suicide as her husband has given money to his brother for treatment to which the learned APP opposes by submitting that it has come in the statement of those witnesses that the husband Jitendra Sharma and his family members have assaulted the deceased, then she consumed poison.

Considering the submissions and noticing that petitioner no. 2 Jitendra Sharma is the husband and against him it has come that he has assaulted his wife and then she committed suicide, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioner no. 2 Jitendra Sharma, accordingly, his such prayer stands rejected.

So far as other petitioners, namely, Sita Ram Sharma @ Shibu Sharma @ Shibu, Reshma Devi and Dharmendra Sharma

are concerned, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Satish Chandra Jha, J. M. Ist Class, Saharsa in connection with Mahishi P.S. Case No. 86 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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