

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55105 of 2016

Arising Out of PS.Case No. -104 Year- 2016 Thana -PIRO District- BHOJPUR

=====

1. Ram Awtar Sharma @ Rama Awtar Sharma, Son of Sheo Pukar Sharma,
resident of Village- Bamhwar, P.S.- Piro, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Mritunjay Narain -Advocate

For the Opposite Party/s : Mr. Sri Amitesh Kumar-A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 12-01-2017

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner is the husband of deceased, Kusum Devi
whose death admittedly occurred on 22.03.2016. Informant, her
father, had alleged that in the background of illicit relationship
which the deceased was resisting, she has been done to death.

Learned counsel for the petitioner has submitted that
whatever allegation has been levelled, is palpably false which the
supervising authority had perceived and on account thereof, had
directed the I.O. to file chargesheet under Section 306 of the
I.P.C., on account of tracing out the fact that there was an
altercation between petitioner as well as deceased on purchasing
of clothes as a result of which, she on her own committed suicide
by hanging herself. Furthermore, it has also been submitted that
after coming to know about real fact informant filed petition



before the learned lower Court scrapping the allegation having levelled at his end. It has also been submitted that considering the conduct of the informant, it is apparent that now, no evidence would be on the record during course of trial suggesting culpability of the petitioner. Consequent thereupon, petitioner is entitled for bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

From perusal of the case diary, it is evident that witnesses have stated with regard to activity of the petitioner in the background of resistance having at the end of the deceased over adulterous conduct of the petitioner. Furthermore, it is evident that deceased was done to death in abnormal circumstance. The inquest report as incorporated under Para-2, did not specify that deceased was brought down by the police officials nor there happens to be any sort of information in the case diary having been given at the end of the petitioner or his family members with regard to commission of suicide if any by the deceased on trivial issue.

That being so, I do not see it a fit case for grant of bail. Accordingly, prayer of petitioner for bail is rejected.

(Aditya Kumar Trivedi, J)

Vikash/-

U		T	
---	--	---	--

