

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30449 of 2017

Arising Out of PS.Case No. -171 Year- 2016 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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1. Sarvesh Kumar Sharma, Son of Sri Jyoty Sharma @ Jyotish Prasad Sharma, resident of Village Milki, Police Station, Bihpur, in the District of Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Advocate
Mr. Amrit Anunay, Advocate

For the Opposite Party/s : Smt. Renuka Ratnakar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 06-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 20.12.2016 in connection with Sessions Case No. 233 of 2017, arising out of Sahebpur Kamal P.S. Case No. 171/2016 for offences punishable under Sections 302, 201, 120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant Chowkidar, is that beheaded dead body of a female with three children was recovered near Sanha Halt. The dead bodies were thrown at some distance of the aforesaid halt by cutting their neck. First Information Report has been lodged against unknown.



Thereafter the brother of the deceased on 25.09.2016 raised suspicion against the petitioner, who is the second husband of the deceased along with all the family members of the petitioner of killing the lady, whose name was Puja Gupta.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and First Information Report has been lodged against unknown. He submits that deceased Puja Gupta was the second wife, both had a love marriage, were staying together peacefully and there is no allegation of any assault by any independent witness. He further submits that the witness, whose gas cylinder was found at the place of occurrence, has also not named the petitioner of committing the aforesaid offence and although the dead body was found by the Chowkidar on 19.09.2016, the brother of the deceased has filed a petition on 25.09.2016 after inordinate delay and no plausible explanation has been given for such delay. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State vehemently opposes the prayer for bail stating therein that the petitioner is the



husband of the deceased, who is the second wife, whose dead body was found in an abandoned condition along with three children.

Considering the facts and circumstances and the materials on record, since there is only suspicion against the petitioner and all the family members have been granted privilege of bail by coordinate Benches of this Court, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-V, Begusarai, in connection with Sessions Case No. 233/2017, arising out of Sahebpur Kamal P.S. Case No. 171/2016, subject to the condition that both the bailors would be local persons having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating their relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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