

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34702 of 2017

Arising Out of PS.Case No. -284 Year- 2015 Thana -DINARA District- SASARAM (ROHTAS)

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1. Rajnish Sharma son of Late Parasnath Sharma R/o Village - Indaur, P.S. -
Dinara, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kanhaiya Pandey, Adv.

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
12.08.2016 in connection with Dinara P.S. Case No. 284 of 2015
for offences punishable under Sections 302, 201, 506/34 of the
Indian Penal Code and Section 3/4 of the D.P. Act.

The prosecution case, as lodged by the informant, is
that his daughter Priyanka Devi @ Gudiya was married to the
petitioner in the year 2005 and out of the wed-lock she has a four
year old son. Petitioner along with his family members started
torturing her after the death of his father and they started calling
her daughter as witch. Thereafter, petitioner joined service as
Railways Driver and due to non-fulfillment of four wheeler,



ultimately, they poisoned the informant's daughter and to conceal the evidence, took away the dead body of informant's daughter to another place for cremation. After getting information, informant chased them but they fled away leaving behind her four year old son in the room.

It has been submitted by the learned counsel for the petitioner that he is innocent, and just because he is the husband of the deceased, he has been falsely implicated in this case. There is no eye witness to the alleged occurrence and demand of dowry after ten years of marriage, is improbable. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He further submits that she herself consumed poison as she wanted to go with the petitioner at his place of service.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was having illicit relationship with his Bhabhi and has poisoned his wife.

In this regard, the Viscera report has been called for by this court, in which aluminium phosphide, was found as a cause of death which is a highly poisonous substance.

Considering the facts and circumstances and the



materials on record, I am not inclined to grant privilege of bail to the petitioner and accordingly, his prayer for bail stands rejected in connection with Dinara P.S. Case No. 284 of 2015 pending before Learned Judicial Magistrate, 1st Class, Bikramganj, Rohtas.

However, the trial court is directed to expedite the trial and conclude it expeditiously.

(Nilu Agrawal, J)

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