

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13428 of 2018

Arising Out of PS.Case No. -47 Year- 2017 Thana -ALIPUR District- GAYA

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SHYAM MANOHAR SHARMA @ TUNTUN @ SHYAM MANOHAR,
S/o Hari Shankar Sharma, R/o Village- Ur Vishunpur P.S. Alipur in the
district of Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.
For the Opposite Party : Mr. Sanjay Kumar Pandey, A.P.P.
For the Informant : M/S. Santosh Kumar Pandey and Rajesh
Kumar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-04-2018 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner is languishing in custody since
28.08.2017 in a case for the offence registered under Sections
498(A), 304(B), 120(B) and 201/34 of the IPC.

The prosecution story, in brief, is that the accused
persons including the petitioner killed the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
Charge sheet has been submitted in the present case. There is no



allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to mistake of fact. There is no eye witness to support the prosecution case. The accusation is that the deceased died due to strangulation but the postmortem report does not support the allegation made in the F.I.R. As per the postmortem report the deceased is said to have died due to head injury.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R. The petitioner is the husband of the deceased and onus is upon him to explain cause of death of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 96 of 2017/49 of 2017, in Alipur P.S. Case No. 47 of 2017, pending in the court of learned A.D.J.-IV, Gaya.

Anyhow, learned court below is directed to expedite the case.

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(Sudhir Singh, J)

