

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28218 of 2018

Arising Out of PS.Case No. -134 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

=====

1. NAND KISHORE SHARMA @ NAND KISHOR SHARM S/o Lotho
Sharma R/o Village- Bariyarpur, P.S. Simri, Bakhtiyarpur, District Saharsa.
..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

=====

with

Criminal Miscellaneous No.33124 of 2018

Arising Out of PS.Case No. -134 Year- 2017 Thana -BAKHTIARPUR District- SAHARSA

=====

1. Dinesh Sharma S/o Lotho Sharma R/o Village- Bariyarpur, P.S. Simri,
Bakhtiyarpur, District Saharsa Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.28218 of 2018)

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Sri Satyendra Prasad

(In Cr.Misc. No.33124 of 2018)

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

3 16-07-2018 Both the cases (Cr. Misc. No. 28218 of 2018 and Cr. Misc.
No. 33124 of 2018) arise out of common FIR therefore are being
disposed of by this common order.

Heard learned Counsel for the petitioners and the State.

Petitioners, already in custody since 2.10.2017 and 6.7.2017
respectively seek bail in Bakhtiyarpur PS Case No. 134 of 2017
registered under Sections 447, 341, 354, 435, 307/34 and 302 of the
IPC.

The allegation in brief is that while the informant was alone
in her house, accused persons namely Guddu and Sonu tried to
outrage her modesty, in the meantime Dropadi Devi also turned up,
caught her hands and legs and poured k.oil on her body, the
petitioner brought match box and handed it over to Dinesh Sharma



who is said to have set fire on her body. Later on informant died due to burn injury.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case, the informant's father was accused in the murder case of petitioners' brother, there is no allegation against the petitioner of first case of setting fire rather only allegation against him is that he brought match box and handed it over to Dinesh Sharma, whereas many witnesses during investigation have stated that the informant herself set fire on her body.

Whereas learned Counsel appearing on behalf of the State submits that the informant died two days after giving her fardbeyan due to burn injury. It appears that specific accusation of pouring k.oil is against Dropadi Devi and of setting fire on her body is against Dinesh Sharma and not against the petitioner of first case.

Having considered the said facts and circumstances, the petitioner of Cr. Misc. No. 28218 of 2018, namely, Nand Kishore Sharma @ Nand Kishor Sharm is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of ACJM IV Saharsa in connection with Bakhtiarpur PS Case No. 134 of 2017.

Whereas the allegation is specific against Dinesh Sharma of setting fire on the person of informant leading to her death, so prayer of bail of Dinesh Sharma, the petitioner in Cr. Misc. No. 33124 of 2018, is rejected.

(Arun Kumar, J)

Snkumar/-

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

