

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72035 of 2018

Arising Out of PS. Case No.-284 Year-2015 Thana- DINARA District- Rohtas

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanhaiya Pandey
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 08-05-2019 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel appearing on behalf of the

informant.

Petitioner had earlier moved this Court for grant of
bail in Cr. Misc. No. 34702 of 2017, which was rejected vide
order dated 21.11.2017.

Petitioner is languishing in judicial custody since
12.08.2016 in connection with Sessions Trial No. 364 of 2017,
arising out of Dinara P.S. Case No. 284 of 2015 for offences
punishable under Section 302 and other allied Sections of the
Indian Penal Code and Sections 3/4 of the Dowry Prohibition
Act.

The prosecution case, as lodged by the informant, is
that his daughter Priyanka Kumari was married to the petitioner



and since he had affair with his bhabhi and on account of torture for non-fulfillment of demand of 4-wheeler she was poisoned and was taken to another place for cremation but on information the informant came and found a 4-year old son in the room while the co-accused including the petitioner fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that although the matter is of 2015, charges has been framed on 22.11.2018 and trial has not made much headway. He further submits that the deceased herself consumed poison as she did not want to stay in the matrimonial house but wanted to accompany her husband at the place of his service.

However, learned APP for the State and the informant oppose the prayer for bail stating therein that earlier the bail application of the petitioner was rejected as from the viscera report, which was called for, it was found that it contained a highly poisonous substance i.e. Aluminum Phosphate. In this connection, status of the trial was called for from the trial court, which has been sent vide letter No. 26 dated 02.04.2019 stating therein that out of 14 charge-sheet witnesses only 4 witnesses



have been examined.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner in connection with Sessions Trial No. 364 of 2017, arising out of Dinara P.S. Case No. 284 of 2015, pending in the court of learned 4th Addl. Sessions Judge, Rohtas at Sasaram. However, the trial court is directed to expedite the trial and conclude the same expeditiously within a period of one year from today. However, petitioner is at liberty to renew his prayer for bail after one year if trial is not concluded by that date.

(Nilu Agrawal, J)

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