

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44283 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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PANKAJ KUMAR SHARMA Son of Eknath Sharma Resident of Village-
Koriya Haibatpur, P.S.-Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Surendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 17-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehend his arrest in a case
registered for the offences punishable under Section 498A &
304B/34 of the Indian Penal Code.

Petitioner, who happens to be husband of the
deceased, is said to have tormented the daughter of the
informant and finally eliminated her in association of his
family members.

The petitioner is quite innocent and has been falsely
implicated in the case merely because he happens to be
husband of the deceased. He has no concern with the aforesaid
occurrence. There is no allegation of dowry demand against the



petitioner in the F.I.R. As a matter of fact, the deceased committed suicide and her dead body was cremated in presence of maternal people of the deceased but in order to extract money from the petitioner and his family members, the informant has lodged this false and frivolous case against the petitioner. Petitioner has no criminal antecedent. Hence, the petitioner may be enlarged on bail.

Per contra, learned APP for the State opposing the bail petition submitted that the petitioner, who happens to be husband of the deceased, has committed murder of the deceased in association of his family members. Though in the written report there is no allegation of making dowry demand but the informant in his further statement and witnesses in paragraphs-7 & 8 of the case diary have stated about demand of Rs. 2 Lakhs and motorcycle in dowry by the petitioner and his family members. The doctor conducting the autopsy of the cadaver of the deceased has found abnormal mobility of the neck. Multiple nail mark over both sides of the neck and bruise with abrasions over right side of breast. He has opined the cause of death due to asphyxia as a result of above mentioned injuries caused by twisting of neck. Hence, the petitioner does not deserve bail.

Considering the facts and circumstances of case, I am



not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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