

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25862 of 2020

Arising Out of PS. Case No.-36 Year-2018 Thana- HASPURA District- Aurangabad

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Rahul Kumar @ Rahul Sharma @ Rahul Kumar Sharma, aged about 35 years, Male, Son of Jay Nandan Sharma, Resident of Village - Haibaspur, P.S.- Haspura, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 25-11-2020 Heard Mr. Ajay Kumar Thakur, the learned counsel

for the petitioner and Mr. B.N. Pandey, the learned Additional

P.P. through video conferencing.

The petitioner seeks bail in Haspura P.S. Case No.36 of 2018, giving rise to S.T. No.247 of 2018/349 of 2018, registered under Sections 302, 498(A) and 120(B) of the Indian Penal Code and 27 of the Arms Act.

In sum and substance, the allegation against the petitioner is that the petitioner was married with the deceased in the year 2010 and the deceased gave birth to a female child but thereafter the petitioner and his family members began to torture her due to non-fulfillment of demand of dowry. It is alleged that the petitioner also made an attempt to kill the daughter of his



Seth and he was sent to jail. When the petitioner came out from jail, the petitioner committed the occurrence by killing his wife.

Mr. Ajay Kumar Thakur, the learned counsel for the petitioner submits that the informant himself alleged that the people were saying that some thief had entered into the house and made firing in which the wife of the petitioner was killed and petitioner was also injured. The petitioner sustained injury in his chest and elbow. It is further submitted that the petitioner was hospitalized. Save and except suspicion, there is no tangible material to show that the petitioner killed his wife. There is no explanation that how the petitioner got fire arm injury but it appears from perusal of the case diary and the postmortem report that the petitioner was present in his house. Of course the petitioner sustained injury on his elbow but the wife of the petitioner was shot dead. From postmortem report, it appears that there was one wound of entry on chest and the another injury was on right scapula. The firing was made from very close range as there was charring injury in and around the wound of entry. The petitioner has also got criminal antecedent and there is allegation that it was petitioner who had fired at the daughter of his *Seth* in which the petitioner also remained in jail for substantive period.



Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Aurangabad is directed to ensure the attendance of the witnesses in the trial court so that the trial must be concluded within nine months.

If the trial is not concluded within nine months, the petitioner, if so advised, may renew his prayer for bail firstly in the trial court.

Let a copy of this order be sent to the trial court and the Superintendent of Police, Aurangabad for information and needful.

(Prabhat Kumar Jha, J)

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