

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28975 of 2020

Arising Out of PS. Case No.-110 Year-2019 Thana- BELSAND District- Sitamarhi

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RAJESH KUMAR SHARMA Son of Nathuni Thakur R/o Village- Parrahi,
P.S.- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 14-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Nand Kishore Prasad learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause



list.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Belsand P.S. Case no. 110 of 2019, instituted for the offence under section 302/34 of the I.P.C.

The informant has alleged that his sister, who was married to the petitioner in the year 2009, has been set ablaze at her in-laws house by the petitioner and his family members including the second wife for non fulfillment of demand for dowry.

It is submitted by the petitioner's counsel that though information regarding alleged burn injury of his sister has been received on 09.06.2019 when she was admitted to the hospital, she has remained in treatment and subsequently died on 07.07.2019. The FIR has been lodged much later on 21.07.2019 though the *fardbeyan* has been recorded on 08.07.2019 by the Ahiyapur police whereafter it was forwarded to the appropriate police officer for registration.



The counsel for the petitioner submits that during the investigation the informant and father of the deceased, in their statements, have clearly stated that after treatment for some time victim had come in her sense and she was capable of moving. In spite of such circumstance, no FIR has been lodged prior to her death. The police have also found the case to be one under Section 306 of the I.P.C. The petitioner has falsely been implicated in this case and now he is in custody since 23.02.2020.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Sitmarhi, in connection with Belsand P. S. Case no. 110 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates, his bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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