

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78307 of 2019

Arising Out of PS. Case No.-282 Year-2019 Thana- SASARAM NAGAR District- Rohtas

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Nand Kishore Sharma, aged about 28 years, Male, son of Yogeshwar Sharma
@ Yogeshwar Sharma, resident of Village-Basdihan, P.S. Amjhor, District
Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Kumari, aged about 22 years, Female, wife of Nand Kishore Sharma,
Resident of Village Basdihan, P.S. Amjhor, District Rohtas at Sasaram,
daughter of Late Dayanand Sharma, at present resident of Village Dalelganj,
Ward No. 25, P.S. Sasaram (T), P.O. Sasaram, District Rohtas at Sasaram.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the OP No. 2	:	Mr. Rameshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 26-08-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Raghunandan Kumar Singh, learned
counsel for the petitioner; Mr. Jharkhandi Upadhyay, learned
Additional Public Prosecutor (hereinafter referred to as the
'APP') for the State and Mr. Rameshwar Singh, learned counsel
for the opposite party no. 2.

3. The petitioner apprehends arrest in connection with
Sasaram (Town) PS Case No. 282 of 2019 dated 03.04.2019,



instituted under Sections 498A/504/506/304/34/120B of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

4. The allegation against the petitioner and 3 others is of trying to kill the opposite party no. 2, who is the wife of the petitioner, by sprinkling kerosene oil and putting fire to it.

5. Learned counsel for the petitioner submitted that the petitioner is innocent and while lighting the stove, the opposite party no. 2 accidentally caught fire. It was submitted that the petitioner and his family got medical treatment done of the opposite party no. 2 and the family of the opposite party no. 2 had not complained and in fact have executed various documents which indicates that the petitioner did not commit any crime. Learned counsel submitted that the brother of the opposite party no. 2 had written to the SHO of the police station informing that the family wanted to take the opposite party no. 2 to the maternal home and further that the payment for the treatment at Varanasi was met by family of the petitioner. Learned counsel submitted that still the petitioner is ready to keep the opposite party no. 2.

6. Learned APP submitted that there is serious allegation against the petitioner and that the girl has sustained more than 50% burn injuries which clearly indicates that she



was in real danger of losing her life. It was further submitted that the allegation against the petitioner is in detail which shows that the opposite party no. 2 has been suffering, both physically and mentally for long in the matrimonial home for which the petitioner being the husband is primarily responsible.

7. Learned counsel for the opposite party no. 2, who has appeared pursuant to notice being issued, submitted that the defence that the opposite party no. 2 sustained burn injuries accidentally while trying to light stove is falsified by the fact that at 2:30 in the night there was no occasion to light any stove. It was further submitted that only because of the intervention of the neighbours, the opposite party no. 2 was brought to the hospital and even there it was her parents who had taken care and they took her to Varanasi and there, when the time came for making payment at the hospital, the petitioner's side had run away and the payment was made by the father of the opposite party no. 2. Learned counsel submitted that the mere fact that the father of the petitioner has given a letter of appreciation to the management of the Hospital where the opposite party no. 2 was treated at Varanasi shows the absurdity of the whole thing as no such certificate is ever issued by any person and it is only a self-created record for the purpose of using it as a defence



before the Court. Learned counsel further submitted that the local police was managed as there was no occasion for the opposite party no. 2 or her brother/father to give certificate in writing with regard to the opposite party no. 2 being taken for treatment or to the house of the parents, that too before the SHO of the police station concerned, as the brother/father taking the girl to their home does not require any application to be filed before the SHO of the local police station. Learned counsel submitted that the fact is that such accident did take place and later the opposite party no. 2 after being better, due to pressure of *panchayati* was brought to the matrimonial home, but was kept in a separate room which had asbestos roof which created further complication due to which the family of the opposite party no. 2 was forced to again take her to their home. Learned counsel submitted that the stand before the Court that the petitioner is ready to keep the opposite party no. 2 is only lip service, and with suffering 50% burn and just managing to save her life, she is convinced that she would not be mentally or physically safe in the matrimonial home and, thus, after full consideration, has decided not to do the same.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the



Court finds that there is sufficient indication with regard to there being truth in the allegations made against the petitioner and his other family members which, in the tentative view of the Court, cannot be discarded at this stage, especially when the Court is considering only the issue of whether the petitioner deserves to be granted anticipatory bail.

9. For reasons aforesaid, taking an overall view, the Court is not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the application stands dismissed.

10. The interim protection given to the petitioner earlier under order dated 09.12.2019 stands vacated.

(Ahsanuddin Amanullah, J)

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