

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86965 of 2019

Arising Out of PS. Case No.-41 Year-2017 Thana- AAYAR District- Bhojpur

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KRISHNA SHARMA Son of Shankar Sharma Resident of Village-Baligaon,
P.S.-Ayar, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Ms.Madhuri Lata
Ms. Anita Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Mr. Shiv Prasad Gupta, the learned counsel for the petitioner and Ms. Anita Kumari Singh, the learned APP for the State.

The present petition is second attempt on behalf of the petitioner for grant of regular bail inasmuch as the earlier petition filed by the petitioner vide Criminal Miscellaneous No. 42695 of 2018 in connection with Ayar PS Case No. 41 of 2017 (Sessions Trial No. 95 of 2018) under Section 304(B)/34 of the Indian Penal Code was rejected.



The case of the prosecution is that the daughter of the informant, namely, Gauri Devi was married with one Krishna Sharma, however, after marriage the said Krishna Sharma and his family members used to torture the victim deceased lady for dowry. It is further alleged that the accused persons including the petitioner herein had poured inflammable materials on the deceased victim lady and burnt her resulting in the deceased victim lady succumbing to her burn injuries in the hospital.

The learned counsel for the petitioner has submitted that the petitioner is the husband and he has been falsely implicated in the present case. It is further submitted that the petitioner is having a clean antecedent and he is languishing in custody since 1.7.2017. It is further submitted that the deceased victim lady had died on account of her catching fire while cooking food in the kitchen.

I have heard learned counsel for the parties and perused the materials on record from which it is apparent that the earlier prayer of the petitioner for grant of regular bail was rejected by a coordinate Bench of this Court vide order dated 20.7.2018 on the ground that the husband has a moral responsibility to take care of his wife and death has occurred within seven years of marriage. This Court further finds that there is no change in



circumstance, from the date the prayer of the petitioner for bail was rejected by the coordinate Bench of this Court earlier till date, so as to warrant reconsideration of the case of the petitioner for grant of regular bail.

Considering the seriousness of the offence alleged as also the gravity of the allegations levelled against the petitioner, I do not find any merit in the prayer of the petitioner for grant of regular bail, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

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