

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33297 of 2021

Arising Out of PS. Case No.-151 Year-2019 Thana- NIMCHAKBATHANI District- Gaya

Shankar Sharma Aged About 40 Years S/O Late Fakira Sharma R/O Village-
Bandi, Maniyara, P.S.- Nimchak Bathani, District- Gaya .. Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Ujjawal Kumar Singh, Advocate

For the Opposite Party : Mr.Ganesh Prasad Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for regular bail in a case registered for the offence punishable u/s 302 of the Indian Penal Code.

As per the prosecution case, the petitioner, who is husband of the victim, is alleged to have killed her by setting her on fire.

Learned counsel for the petitioner submits that the deceased was the second wife of the petitioner and there is no allegation of demand of dowry against him. It is further submitted that there is no evidence that this petitioner instigated or abated the deceased to commit suicide. Though the FIR was instituted u/s 302 of the IPC but cognizance of the offence has been taken under sections 498A and 306 of the IPC. Besides, victim was a quarrelsome lady and when her former husband left her, petitioner had married her. It is further submitted that due to family dispute, she committed suicide out of sheer anger. Petitioner is in custody since 7.3.2020.



Considering the facts and circumstances of the case, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge XII, Gaya in Sessions Trial No. 51 of 2021/23 of 2021/ Nimchak Bathani Police Station Case No. 151 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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