

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 36571 of 2020**

Arising Out of PS. Case No.-170 Year-2020 Thana- KORHA District- Katihar

KAMESHWAR SHARMA Son of BUDHAN SHARMA Resident of Village -
Gerabari Basti, P.S.- Korha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Ms Rina Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 12-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Korha Police Station (for
brevity, *PS*) Case No 170 of 2020 instituted for the offence
punishable under Sections 302, 304B, 201/34 of Indian Penal
Code.

The sister of the informant has allegedly been set
ablaze at her matrimonial home. The petitioner is the husband.
The case diary had earlier been called for. Parties have assisted
the Court with reference to the material that has come in course
of the investigation.

Submission of the petitioner's counsel is that the
victim was the second wife. Over some trivial dispute and



mistreatment meted out by the deceased to the step daughter of the petitioner, heated exchange took place where after the victim poured kerosene oil on herself and set her self ablaze. This fact has come during course of investigation. In the investigation, there is also material to suggest that the victim was taken for treatment for her burn injuries which establishes the bona fides of the submissions made in favour of the petitioner. The further submission is that a compromise has also been filed in the trial Court by the informant (Annexure 2 of the bail application).

Learned APP has submitted that the petitioner is the husband. The victim has been done to death at her matrimonial home. Some of the witnesses have stated about the victim being subjected to cruelty.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in Korha PS Case No 170 of 2020 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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