

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39068 of 2020

Arising Out of PS. Case No.-86 Year-2020 Thana- SHIVSAGAR District- Rohtas

1. ASHOK SHARMA S/o Late Shivmurat Sharma R/o village- Alampur, P.S.- Shivsagar (Baddi O.P.), District- Rohtas
2. Parvati Devi W/o Ashok Sharma R/o village- Alampur, P.S.- Shivsagar (Baddi O.P.), District- Rohtas

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

For the Opposite Party/s : Mr. Amitabh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-03-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners in the present case are seeking regular bail in connection with Shivsagar (Baddi O.P.) P.S. Case No. 86 of 2020 registered for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story on the alleged date of occurrence informant was informed by petitioner no. 1 that his daughter



(deceased) was seriously ill due to stomachache, but when the informant reached the house of the petitioners no-one from the family was present and he was told by the villagers that her daughter has died. On entering into the room informant found that her daughter had died due to strangulation. It is further alleged that the in-laws of the deceased used to demand motorcycle, gold chain and ring and on non-fulfillment of the same they used to harass her.

Learned counsel for the petitioner submits that the petitioners who are father-in-law and mother-in-law respectively of the deceased are innocent and have been falsely implicated in this case. There is no specific allegation against them in the F.I.R. Learned counsel further submits that there is no other injury had been found save and except that sign of hanging have been noticed by the doctor conducting the autopsy of deceased. It is further submitted that the petitioners have no criminal antecedent and they are in custody since 22.05.2020.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioners that the petitioners are father-in-law and mother-in-



law respectively of the deceased, in course of investigation no independent witness has come forward to say that these petitioners were committing any torture upon the deceased and further on the body of the deceased no other injury had been found save and except that sign of hanging have been noticed by the doctor conducting the autopsy of deceased, further submission that the husband of the deceased has already surrendered and he is in jail, investigation against the petitioners is complete and there being no submission on behalf of the State that their release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas in connection with Shivsagar (Baddi O.P.) P.S. Case No. 86 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

