

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5897 of 2021

Arising Out of PS. Case No.-292 Year-2017 Thana- NAVINAGAR District- Aurangabad

VIKRAM SHARMA SON OF PRAMOD SHARMA Resident of Village -
Jaubey, P.S.- Navi Nagar, Distt.- Aurangabd

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushik, Advocate

For the Opposite Party/s : Mr. Ram Sewak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 22-02-2021 Heard the learned counsel appearing for the petitioner and Mr. Ram Sewak Choudhary, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 152/18 / 334/18 arising out of Navi Nagar P.S. Case No. 292 of 2017 for the offence punishable under Sections 304(B)/34 of the Indian Penal Code.

The accused persons including the petitioner who is the husband of the deceased victim lady, are stated to have set the victim lady on fire resulting in her subsequent death.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 04.12.2017. The learned counsel for the petitioner has further submitted, by referring to the evidence led by the prosecution more particularly the deposition of P.W. 2 i.e. the informant of the present case, namely Raj Kumar Sharma, who is the father of the deceased victim lady that he himself has stated in his deposition before the learned Trial Court that on the alleged date of occurrence her younger daughter was at the matrimonial home of the deceased victim lady and she saw that at the time of preparing food, the deceased victim lady had caught fire resulting in her subsequent death. It is further submitted that the younger daughter of the informant has also deposed before the learned trial court in the on going trial as P.W. 1 and she has also stated that while her sister was cooking food, she had caught fire and had got burnt resulting in her subsequent death.



Per contra, the learned APP appearing for the State Shri Ram Sewak Choudhary has though not disputed the contents of the deposition of the aforesaid witnesses, however, he has submitted that a bare perusal of the FIR, definitely shows the complicity of the petitioner in the alleged crime.

This Court had called for a report from the learned trial court in pursuance whereof the Additional District and Sessions Judge-VIII, Civil Court, Aurangabad by its order dated 09.02.2021 has submitted that three non-official witnesses have been examined and seven non-official witnesses are yet to be examined, hence it appears that it would take about nine months to conclude the trial.

Having regard to the facts and circumstances of the case and having gone through the materials on record as also the evidence led by the prosecution in the on going trial, more particularly the deposition of P.W. 1 and P.W. 2 (informant), this Court finds that the informant i.e. the father of the deceased victim lady and the sister of the



deceased victim lady have themselves not stated that the petitioner had set her wife on fire resulting in her death, hence prima facie I find that the petitioner has been able to make out a case for grant of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Aurangabad in connection with Sessions Trial No. 152/18 / 334/18 arising out of Navinagar P.S. Case No. 292 of 2017.

(Mohit Kumar Shah, J)

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