

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2585 of 2022

Arising Out of PS. Case No.-117 Year-2020 Thana- KADWA District- Katihar

Rudal Sharma, Male, aged about 26 years Son of Indra Nand Sharma
Resident of Village - Dhangama, P.s.- Kadwa, Distt.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kadawa
P.S. Case No. 117 of 2020 registered for the offence under
Section 302, 304(B) and 316 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.06.2020.

The allegation against the petitioner is to cause death
of his wife, who is the daughter of informant due to non-
fulfillment of demand of dowry.

Learned counsel appearing on behalf of the petitioner
submitted that this is a case of suicide out of family frustrations,



where informant is not the eye witness of the occurrence. It is further submitted that post-mortem report is also suggesting the theory of suicide, where no external injury was found upon the body of deceased. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete, for which chargesheet has been submitted, as such, there is no chance of tampering with evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that this is brutal murder for non-fulfillment of demand of dowry, as cause of death is “asphyxia due to strangulation”. It is further submitted that it is highly improbable to commit suicide by a lady, who is carrying a foetus of gestational age of seven months. Learned APP further submitted that the dead body was found in the house of the petitioner, who is husband of the deceased.

In view of the facts and circumstances, as mentioned above, as there is specific allegation against the petitioner to cause dowry death, where death was caused due to strangulation where deceased was carrying a pregnancy of seven months, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail is rejected herewith, at



present.

The Trial Court is directed to conclude the trial within
a period of nine months from the date of receipt of this order.

The Superintendent of Police, Katihar is directed to
produce all the chargesheeted witnesses, as and when directed
by the Trial Court, so as to conclude the trial within aforesaid
time period, as directed above.

(Chandra Shekhar Jha, J)

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