

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7032 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- JOGAPATTI District- West Champaran

HARDEV SHARMA Son of Late Laxmi Sharma Resident of Village - Parau
Tola, P.s.- lauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2022 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 Yogapatty
P.S. Case No. 366 of 2021 registered for the offence under
Sections 304(B), 328, 120(B), 201 and 24 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.08.2021.

The allegation against the petitioner is to cause death
of the daughter of the informant along with family members of
the deceased, due to non-fulfillment of demand of dowry, by
administering position.



Learned counsel appearing on behalf of the petitioner submitted that admittedly petitioner is driver of the vehicle, which was hired for 'Ayodhya', by in-law/family members of the deceased. It is submitted that the petitioner is not the relative of the husband of the deceased and as such, cannot be implicated under Section 304(B) of the Indian Penal Code. It is also submitted that except confession, nothing incriminating surfaced during course of investigation, which may connect the petitioner, *prima-facie* with the present set of occurrence. It is also submitted that dead body of the victim could not recovered, as such, it cannot be said specifically, where she died due to poison. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted under Section 304(B) of the IPC, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that the petitioner is driver of the alleged vehicle, which was hired for 'Ayodhya' by in-laws of the deceased.

Considering the facts and circumstances as mentioned above, as petitioner is driver of the alleged vehicle, which was



hired for '*Ayodhya*' and is not the relative of the husband of the deceased coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Yogapatty P.S. Case No. 366 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran/concerned court, subject to the following conditions:

(Chandra Shekhar Jha, J)

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