

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31029 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- JOGAPATTI District- West Champaran

Dileep Sharma @ Deelip Sharma, Son of Balishter Sharma, R/O Village- Jagirahan, Panchayat- Bagahi Purain, P.S.- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Advocete

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

Mr. Sanveev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 21-01-2022 The applicant/accused in Crime No. 294 of 2020 registered with Yogapatti Police Station for the offences punishable under Section 304(B) r/w Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He drew my attention to the FIR and argued that there was talks regarding compromise and the prosecuting party was trying to extract the money from the accused persons. As the talks regarding compromise failed, the applicant is being prosecuted.

As against this, the learned Additional Public Prosecutor opposed the application by his extensive argument



and took me through the entire case diary. He argued that the report of the postmortem examination shows that deceased died because of asphyxia as well as burn injuries. The learned Additional Public Prosecutor drew my attention to the statement of relatives of the deceased as well as that of independent witnesses Arbind Mishra and K. B. Tiwary. He argued that considering the nature of offence and the evidence collected by the prosecution, no case for grant of bail is made out.

I have considered the submissions so advanced and also perused the materials placed before me.

The FIR of the subject crime lodged by Shaktinath Sharma, father of the deceased Bindu Devi on 14.07.2020. In the FIR itself it is mentioned that after noticing half burnt dead body of his daughter, he had given written application to the jurisdictional Police Station.

According to the prosecution case, Bindu Devi (since deceased) married the present applicant in June 2017. She was found dead at her matrimonial place with burnt injury on 13.07.2020. In the report of the postmortem examination as stated by the learned Additional Public Prosecutor, the cause of death is stated as asphyxia and burns. According to the



prosecution case, the accused persons including the applicant were subjecting a married women to cruelty and harassment for an account of demand of dowry and the car of Alto model. It is averred in the FIR itself that on 11.07.2020, Bindu Devi had telephonically reported to her parents that she had been beaten by the applicant and other co-accused on account of demand of dowry. First informant Shaktinath Sharma had stated that then they went to the matrimonial house of Bindu Devi. The accused persons in angry mood told them that until and unless car of Alto model is given they will not allow Bindu Devi to lead a peaceful life. It is further averred that then meeting of the Panchayat took place and the matter was informed to the concerned police Station. The first informant reported that then he returned to his house but on 13.07.2020 he was informed by the neighbourers of Bindu Devi that Bindu Devi was killed and her dead body is being taken for cremation.

Apart from the statement of relatives, statement of independent witnesses Arbind Mishra and K.B. Tiwary are also supporting the prosecution case. The fact that the parental relatives of the deceased visited her matrimonial house on 11.07.2020 and notice that the deceased was subjected to



cruelty apart from demand of dowry in the form of car of Alto model, prima facie indicates that the victim was subjected to cruelty soon before her unnatural death.

Considering the nature of allegation and the nature of evidence collected against the applicant, no case for grant of bail to the applicant/accused is made out. Accordingly, the application is rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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