

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31576 of 2021**

Arising Out of PS. Case No.-303 Year-2020 Thana- BIKRAM District- Patna

Rajiv Kumar @ Guddu Sharma Son Of Rangnath Sharma R/O Padariyawa,  
P.S.- Bikram, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

WITH

**CRIMINAL MISCELLANEOUS No. 31621 of 2021**

Arising Out of PS. Case No.-303 Year-2020 Thana- BIKRAM District- Patna

Rangnath Sharma S/O Late Dana Singh R/O- Padariyawa, P.S.- Bikram,  
District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 31576 of 2021)

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

Mrs. Perna Rishi, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 31621 of 2021)

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

Mrs. Perna Rishi, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR**

ORAL ORDER

7      09-02-2022      Applicant Rajiv Kumar @ Guddu Sharma is brother-in-law whereas applicant Rangnath Sharma is father-in-law of deceased Rupam Kumari. They are accused in Crime No. 303 of 2020 registered with Bikram Police Station for the offences



punishable under Sections 304B,302 and 201 read with Section 34 of the Indian Penal Code, by both these applications are seeking their release on bail during pendency of the trial.

At the outset it needs to be stated that the learned predecessor, vide order dated 02.09.2021 passed in Cr. Misc. No.31576 of 2021, with a reasoned order, has been pleased to release applicant Rajiv Kumar @ Guddu Sharma on bail but provisionally.

Heard the learned counsel appearing for the applicants/accused. He argued that applicant Rajiv Kumar @ Guddu Sharma was residing separately from the deceased and her family members. It is further argued that statement of the prime witness is not even recorded by the prosecution. It is further argued that there is nothing to connect the applicants to the crime in question.

The learned Additional Public Prosecutor opposed the application by relying on the counter affidavit and contended that witnesses, namely, Vivekanand Rai and Chhotu Rai, have supported the case of the prosecution.

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

Ravi Bhushan Rai, who happens to be father of



deceased Rupam Kumari, lodged the FIR on 15.10.2020. He alleged that his daughter married with accused Deepak Sharma six years prior to the incident in question. The first informant reported that after giving good treatment to Rupam Kumari for five years; from sixth year they started demanding dowry of rupees five lacs and started subjecting Rupam Kumari to cruel treatment. On 14.10.2020, she telephonically disclosed that she is being assaulted by all accused persons. The first informant further reported that his grand-son Prabhat Kumar telephonically informed him on 15.10.2020 that his mother is killed.

It is seen that the prosecution was not successful in conducting post mortem examination of the deceased. The prosecution has not examined the statement of Prabhat Kumar, who had allegedly disclosed the incident of murdering his mother to the first informant. The first informant is not an eyewitness to the incident. Statement of Vivekanand Rai who happens to be the brother of the deceased and Chhotu Rai who is residing in the village of the first informant are in tune with the first information report, that is what is stated to be the evidence against the applicants.

Considering the nature of evidence against the



applicants, I see no reason to refuse bail to them and, therefore, the following order:-

i. The provisional bail granted to applicant Rajiv Kumar @ Guddu Sharma is confirmed on same terms.

ii. The bail application of applicant Rangnath Sharma is allowed. The applicant in Crime No.303 of 2020 registered with Bikram Police Station be released on bail on executing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty



to apply for cancellation of bail granted to the applicant in the instant case.

The applicants 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 applicants/accused.

**(A. M. Badar, J)**

Mkr./-

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