

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21904 of 2022

Arising Out of PS. Case No.-467 Year-2020 Thana- BIDUPUR District- Vaishali

Niraj Sharma S/O Suresh Sharma R/o village- Rahimapur, P.S.- Bidupur,
District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate.

For the Opposite Party/s : Mr.Madhuri Lata, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Bidupur P.S. Case No. 467 of 2020 registered for the offence under Section 304(B)/34 of the Indian Penal Code.

As per allegation, the informant's daughter was killed by the petitioner and his family members by strangulation on account of their demand of Rs. one lakh and a motorcycle having been not fulfilled by the victim and as per the informant the victim was issueless due to which she had been tortured by the accused persons since after one year of her marriage.



The main submissions advanced by learned counsel for the petitioner are that the petitioner has been languishing in jail since 25.12.2021, the victim's marriage was solemnized in the year 2014 and as per FIR the alleged torture by the petitioner was started just after one or two years of the victim's marriage but the informant remained silent for four years regarding the said cruelty and in the postmortem report of the deceased, the cause of death was opined as due to asphyxia which is not corroborating the allegation made in the FIR. Further submission is that in the first part of the FIR the main reason behind the alleged cruelty on the part of accused persons is stated as the victim being an issueless lady, but later on the informant alleged that his daughter was subjected to cruelty for the demand of Rs. one lakh and a motorcycle and accordingly, the allegation was changed by the informant which creates serious doubt in the prosecution story.

On the contrary the learned counsel appearing for the informant and learned APP appearing for the State has vehemently opposed the bail prayer and submitted that petitioner is the husband of the deceased, against him there is specific allegation and victim's death occurred within seven years of her marriage.



Heard both the sides and perused the FIR. Admittedly, the informant's daughter died within seven years of her marriage in an unnatural way and victim's father has made an allegation of cruelty against the accused persons including the petitioner and according to him his daughter was tortured by the accused on account of victim being issueless lady as well as due to the non-fulfillment of accused persons' demand of dowry. Considering the nature of allegation this Court is not inclined to release the petitioner on bail. Accordingly, the bail prayer of the petitioner stands rejected.

Petitioner may renew his prayer after framing of charge in his case before the Court below. If he avails the said liberty then the learned Court below will decide his regular bail prayer without being prejudiced with present order according to merit.

(Shailendra Singh, J)

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