

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16567 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- HULASGANJ District- Jehanabad

1. SATISH SHARMA, SON OF RAM RATAN SHARMA RESIDENT OF VILLAGE- BANBARIYA, POLICE STATION- HULASGANJ, DISTRICT- JEHANABAD.
2. BINDU DEVI, WIFE OF SATISH SHARMA RESIDENT OF VILLAGE- BANBARIYA, POLICE STATION- HULASGANJ, DISTRICT- JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31536 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- HULASGANJ District- Jehanabad

SHIV SHANKAR SHARMA @ SHIV SHANKAR KUMAR, Son of Satish Sharma Resident of Village- Banbariya, P.S.- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16567 of 2021)

For the Petitioner/s : Mr.Sudhanshu Shekhar

For the Opposite Party/s : Ms. Rina Sinha

(In CRIMINAL MISCELLANEOUS No. 31536 of 2021)

For the Petitioner/s : Mr.Sudhanshu Shekhar

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

4 17-01-2022 Heard Mr. Raj Kumar, learned Advocate for the

petitioners in both the cases. The State is represented

by Ms. Rina Sinha, learned APP.

The petitioners in both the applications seek



bail in anticipation of their arrest in connection with Hulasganj P. S. Case No. 150 of 2020, instituted for the offences under Sections 304-B, 498-A, 201 and 34 of the Indian Penal Code.

The petitioners in Cr. Misc. No. 16567 of 2021 are the parents-in law of the deceased whereas the petitioner in Cr. Misc. No. 31536 of 2021 is the husband of the deceased.

The FIR reveals that the deceased died on 30.10.2020 and when the informant went to participate in the cremation, he found a pungent smell coming out of the mouth of the deceased. He wanted the post-mortem examination of the deceased but because of the pressure exerted by the accused persons at the time of the cremation, the same was avoided. However, the informant participated in the cremation on the statement made by the petitioners that the deceased has died a natural death. He came back home and within a couple of days, he was informed that the deceased was



administered poison and was killed. After about 45 days of the occurrence, the subject FIR has been registered with an explanation that the wife of the informant had taken ill seriously and therefore the informant could not lodge the case on time. The information which he had received for lodging the FIR is that the deceased had been killed and very adroitly, the post-mortem of the deceased was avoided.

The learned counsel for the petitioners has submitted that the accusation does not inspire confidence. It has further been submitted that if the informant had harboured any suspicion regarding the natural death of the deceased or death out of illness, he would not have participated in the cremation and would have straight away reported the matter to the police.

That apart, even if he came under the pressure of the local villagers including the representative of the Mukhiya, when he learnt about the correct state of facts after two-three days, then nothing prevented him for



reporting the matter to the police. That not having been done and lodging a case after 45 days of the occurrence, is not without a motive. The learned counsel for the petitioners has submitted that the informant is an inveterate alcoholic and as a matter of compensation for the death of his daughter, he was trying to extract a huge chunk of land for which the petitioners were not agreeable, more so, when they had not done anything to the deceased and that she had died a natural death.

The learned counsel for the petitioners has further submitted that the relationship between the spouses was very cordial which would further be reflected from the fact that there is a four years old boy born out of the wedlock. After the death of the mother of the aforesaid boy, he is being looked after by the parents of the husband of the deceased.

Regard being had to the afore-noted submissions urged on behalf of the petitioners, this Court is inclined to grant anticipatory bail to the



petitioners in Cr. Misc. No. 16567 of 2021, namely, Satish Sharma and Bindu Devi, who are the parents-in-law of the deceased.

They are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Smt. Priyanka Kumari, J.M. 1st Class, Jehanabad, in connection with Hulasganj P. S. Case No. 150 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The prayer made on behalf of the husband of the deceased (petitioner in Cr. Misc. No. 31536 of 2021), however, is rejected.

Should he surrender before the Court below and seek bail, all the grounds noted above shall be gone into and an order shall be passed, without being



prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

Both the petitions stand disposed off accordingly.

(Ashutosh Kumar, J)

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