

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69821 of 2021

Arising Out of PS. Case No.-191 Year-2021 Thana- KHARHAGPUR District- Munger

Rahul Sharma @ Rahul Kumar Sharma, Son of Nawal Kishore Sharma,
Resident of Village - Gobadda, P.O. - Shampur, P.S. - Kharagpur, District -
Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25709 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- KHARHAGPUR District- Munger

Nawal Kishor @ Nawal Sharma @ Nawal Kishor Sharma, Son of Shiv
Prashad Sharma, Resident of Village - Gobadda, P.O.- Shampur, P.s.-
Kharagpur, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69821 of 2021)

For the Petitioner/s : Mr.Suman Kumar Mishra, Advocate

For the State : Mr.Lakshmi Kant Sharma, APP

For the Informant : Mr. Shashi Bhushan Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 25709 of 2022)

For the Petitioner/s : Mr.Suman Kumar Mishra, Advocate

For the State : Mr.Ajit Kumar, APP

For the Informant : Mr. Shashi Bhushan Kumar, Advocat

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 Since both the applications arise out of Kharagpur P.S.

Case No. 191 of 2021, as such, they have been taken up together
and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.



In the present case, the petitioners seek bail in connection with Kharagpur P.S. Case No. 191 of 2021 registered for the alleged offences under Sections 304B and 34 of the Indian Penal Code and Section.

As per prosecution case, the petitioners are the elder brother and the father, respectively of the co-accused Krishan Kumar Sharma who had been married with the daughter of the informant. Allegedly the daughter of the informant was killed within two months of her marriage by the petitioners on account of their demand of dowry and they hanged the dead body giving it colour of suicide.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are the brother-in-law and father-in-law of the deceased, respectively. They lived separately from the deceased and the co-accused Krishan Kumar Sharma. Learned counsel further submits that the petitioner Rahul Sharma stayed on the ground floor while the deceased stayed on the first floor of the house. Learned counsel further submits that during investigation the informant stated that prior to this incident no complaint was received regarding torture of his daughter by the petitioners on account of their dowry demand. Learned counsel



further submits that the post-mortem report also shows cause of death was asphyxia due to hanging with ligature mark. It was possible only when if a person has committed suicide and the distance between the roof and floor was eight feet. The daughter of the informant was found hanging by a '*dupatta*' at that place. Learned counsel further submits that the petitioner Nawal Kishore is an old man and he has no concern with the husband of the deceased. There is no specific allegation against the petitioners and there is no eye-witness to the alleged occurrence. Co-accused husband of the deceased is already in custody. Charge-sheet has been submitted in this case and the petitioners are in custody since 10.08.2021 and 10.01.2022, respectively.

Learned APP as well as learned counsel for the informant oppose the prayer for bail. It has been submitted by the learned counsel for the informant that all the witnesses have supported the prosecution case including the informant and there has been specific allegation against them. The daughter of the informant was killed on account of dowry demand. Learned counsel further submits that witnesses have also stated that when the dead body was found her feet was touching the floor.

Perused the records.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that the petitioners are in-laws of the deceased and there appears no specific allegation against them and further considering the post-mortem report and also considering their period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Munger, in connection with Kharagpur P.S. Case No. 191 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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