

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26172 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- KRITYANAND NAGAR District- Purnia

AKHILESH SHARMA Son of Chalchitra Mistri @ Chalitra Mistri Resident
of Village - Joka Jal Marey, Bela, Rikabganj, P.S.- K. Nagar, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Advocate
		Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2022 Heard Mr. Ajit Kumar Singh, learned counsel for
the petitioner and learned APP for the State through video
conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
K.Nagar P.S. Case No. 87 of 2021 under Sections 498A and
306/34 of the Indian Penal Code.

The informant has alleged in the FIR is that on
04.03.2021, the petitioner and his relative came to their house
after attending a ‘Bhoj’ and thereafter started abusing his sister
and asked her to immediately serve food, failing which, be
ready for assault. He also used foul language. The lady could



not tolerate the said abusive threat of the petitioner's insult and as per the FIR, she resorted to self immolation.

Learned counsel for the petitioner submits that neither the informant is the eye witness nor there is any allegation of torture against the deceased and as such different section of the IPC that has been attributed against him is/are not applicable. He further submits that although the charges were framed and trial commenced, after the deposition of one witness in 2021, till date no further development has taken place.

Learned APP for the State, on the other hand, submits that a bare perusal of the FIR shows the conduct of the petitioner and the way he made used foul language to abuse the lady which any decent person cannot tolerate and this led to the alleged self-immolation act by her causing her death. He as such submits that the petitioner does not deserve bail.

Looking at the gravity of the case the nature of allegation which led to the unfortunate death of the lady, the petitioner cannot exonerate himself from the responsibility of the tragic death, this Court is not inclined to grant him the privilege of bail which is accordingly rejected.

As per the records available, the trial has already commenced and it would be appropriate that the same is



concluded within a time frame preferably within a period of one
year.

(Rajiv Roy, J)

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