

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35200 of 2021

Arising Out of PS. Case No.-385 Year-2020 Thana- GAIGHAT District- Muzaffarpur

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RAUSHAN SHARMA S/O VASANT SHARMA R/o village- Makrandpur,
P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Amit Kumar Jha
For the Opposite Party/s :	Ms. Puja Kumari, Advocate
	Mr. Anjani Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the parties.

Petitioner seeks regular bail in connection with Gaighat P.S. Case No. 385 of 2020 registered for the offence under Section 304(B), 120(B) , 34 of the IPC.

As per the First Information Report, marriage of the informant's daughter was solemnized with the co-accused / Chandan Sharma on 02.03.2020 and after marriage the accused persons started demanding a sum of Rs. 4 Lakhs, a gold chain and Apache motorcycle by way of dowry and due to non fulfillment of demand, they tortured the informant's daughter and killed her by hanging from a fan.

Learned counsel for the petitioner submits that petitioner is the brother-in-law of the deceased and has not



committed any offence in the manner alleged. He further submits that allegation against the petitioner is general and omnibus in nature and all the family members of the husband of the deceased have been made accused including the petitioner. He next submits that during the course of investigation independent witnesses have stated particularly in paragraph- 69 of the case diary that deceased was an educated lady whereas her husband i.e. the co-accused / Chandan Sharma was an illiterate person and there was incompatibility between the husband and wife, due to which the deceased committed suicide.

On the other hand , learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioner is one of the family members of the deceased and there is specific allegation against all the accused persons of demand of dowry and torture including the petitioner.

Learned counsel for the State however referring to the post mortem report submits that from perusal of the same it appears that deceased has committed suicide due to some dispute between the husband and wife and the allegation against petitioner is general and omnibus in nature.

Regard being had to the submissions made by the



parties and taking into consideration the materials available on record, the fact that allegation against the petitioner is general and omnibus in nature, the petitioner is in custody since 06-12-2020 and charge sheet has already been submitted, as such, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XVth cum Sub Judge, Muzaffarpur in connection with Gaighat P.S. Case No. 385 of 2020 on the following condition:-

(a) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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