

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42540 of 2021

Arising Out of PS. Case No.-33 Year-2019 Thana- UPHARA District- Aurangabad

Surendra Sharma S/O Late Ram Janam Sharma R/O Village-Airdary, P.S-
Uphara, District-Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 19-04-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

According to prosecution case, the informant made his
statement before the police station on 08.07.2019 alleging
therein that his daughter was married with the petitioner accused
Surendra Sharma on 29.04.2019 with Hindu Rituals informant
further alleged that the petitioner and other co-accused persons



used to assaulted the daughter of informant for dowry and they also stopped to provide the food to her. Informant has further alleged that he had gone to sasural of his daughter and also gave gold chain to them and told them to keep his daughter in well condition on 07.07.2019. Informant received a phone by the Bhabhi of his daughter that she became ill, on that informant and other persons went to matrimonial home of his daughter they came to know that the dead body of his daughter was being burnt by the accused persons on the bank of a river.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and during investigation nothing has come against the petitioner and there is no eye witness of the alleged occurrence. He further submits that similarly situated, co-accused, namely, Satyendra Sharma and Babita Devi have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 19.12.2019 passed in Cr. Misc. No. 67445 of 2019. The petitioner is in custody since 16.03.2020.

Vide order dated 10.03.2022 a report was called for with regard to the present stage of trial. Report reveals that the



charge has been framed on 08.03.2022 but the case is still pending for prosecution evidence.

Learned counsel for the petitioner submits that in view of the report the trial is not likely to be concluded in near future.

The learned counsel for the Informant and learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Uphara P.S. Case No. 33 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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