

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55947 of 2021

Arising Out of PS. Case No.-292 Year-2020 Thana- AMARPUR District- Banka

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Jitendra Sharma @ Jitendra Kumar Sharma, Son of Mahesh Sharma, Resident of Village- Gopalpur, Police Station- Amarpur, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-05-2022 Heard Mr. Shashank Shekhar, learned counsel for the petitioner and Mr. Kumar Veerendra Narayan, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Amarpur P.S. Case No. 292 of 2020 registered for the offences punishable under Sections 341, 323, 304-B/34 of the Indian Penal Code . He is in custody since 05.07.2021. Petitioner has otherwise no criminal antecedent.

As per the prosecution the marriage between the petitioner and the deceased daughter of the informant had been solemnized on 13.06.2019. It is alleged that initially the conjugal life of the petitioner and his wife was remained normal in sasural but then it is alleged that for the last few days the son-in-law, Samdhi, Samdhin, daughter and other family named in



the F.I.R. were demanding one Bullet motorcycle and golden chain as dowry. It is further alleged that due to non-fulfillment of the demand of dowry the father-in-law, mother-in-law and Bhaisur of the deceased were regularly abusing her and she was being tortured. The informant further alleges that on the date of occurrence at about 12:00–1:00 A.M., he got a telephonic information from Balram Sharma and Nandlal Sharma that his daughter has been burnt after pouring kerosene oil on her body. The informant claims that when he went there he found his daughter lying in half burnt condition, whereupon he asked his daughter about the alleged occurrence. According to the informant his daughter told her that at the instance of her husband (the petitioner) her father-in-law, mother-in-law, Bhaisur and Gotni had abused and assaulted her and thereafter they poured kerosene oil on her body and burnt her. She was taken to the Mayanand Hospital where she was declared dead.

Learned counsel for the petitioner submits that from the First Information itself it would appear that the relationship between the petitioner and his wife was cordial. In the later part of the F.I.R., it is alleged that at the instance of the petitioner the other named accused had committed the overt act, but, the fact is that in course of investigation, a large number of witnesses



have stated in paragraph 7, 71 & 72 that this petitioner was working as Security Guard and had been doing his duty at Mumbai. Learned counsel further points out that in fact the brother-in-law of the petitioner whose statement has been recorded in paragraph 12 not supported the prosecution case. The another witness about whom the learned A.D.J.-III has supported the prosecution case has in fact no supported the prosecution case and to that extent the observation of learned A.D.J.-III Banka is not correct.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but after going through the case diary learned A.P.P. has informed this court that the statements made in paragraph 7 and 12 of the case diary are in fact favouring the petitioner. The statement of the witnesses in paragraph 71 and 72 have also been read over to explain that they do not support the prosecution case.

In this case on earlier occasion while calling for the case diary this Court had called for a supervision note of the Superintendent of Police, Banka particularly on the point of Annexure '3' which is a certificate from the employer of the petitioner saying that he was physically present in Mumbai on the relevant date.



Learned A.P.P. for State submits that though the case diary has been made available but with that there is no supervision note of the Superintendent of Police on this point. Learned A.P.P. however submits that in the case diary there are overwhelming material to show that the petitioner was not present at the place of occurrence and in face the tenor of the fardbeyan itself shows that the petitioner has been implicated in this case saying that at his instance the overt act has been committed by others.

In the given facts and circumstances of the case, after noticing the materials which are present in the case diary particularly the statement of the witnesses which have been referred hereinabove, this court is of the considered opinion that petitioner has made out a case for grant of bail, therefore, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 292 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

