

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65349 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- RANIYATALAB District- Patna

Sajjandhari Kumar @ Ranjan Kumar Son of Satya Nand Sharma @ Bachavan
Sharma Resident of Village- Bera, P.S.- Rani Talab, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 12-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No.186 of 2021 arising out of Rani Talab P.S.
Case No. 52 of 2020, lodged under Sections 302, 304(B),
201/34 of the Indian Penal Code.

As per prosecution case, the marriage of informant's
sister was solemnized with the petitioner two years back.
Allegation of torture for four wheeler has been made. It has
been alleged that in the morning of 05.03.2020 at about 6 am
villagers have informed to the informant that his sister was
killed by her husband and family members on the basis of which

entire family members, total 8 in number were made accused in the present case. It has also been alleged that by virtue of marriage the informant's sister given birth to a girl child aged about 9 months.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that relation between petitioner and his wife was completely cordial and it is due to this reason they have a baby whose age is about 9 months. He further submits that it was the unfortunate date of 04.03.2020 when the wife of petitioner become seriously ill but before reaching to the Doctor she died, petitioner specifically mentioned that information in this regard was immediately communicated to the informant and her family members, they have participated in the cremation which was taken place as per Hindu rites and rituals, but present case has been lodged due to instigation made by the neighbourers with whom the petitioner has bad relation. It has been specifically mentioned that the minor child of deceased is living with the family of petitioner and is in safe custody (mentioned in paragraph no.17). Learned counsel for the petitioner further submits that there is not a single independent witness in the case diary who has supported the case. He further submits that the

ingredient of Section 304(B) of I.P.C. is not present because the immediate demand of dowry prior to death is an essential condition for completion of the offence which are lacking in the present case. He further submits that petitioner is in custody since 19.09.2020 having clean antecedent.

Learned counsel for the State opposes the prayer for bail and submits that it is a case of Section 304(B) of I.P.C., charge sheet has been filed but till date charge has not been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, but liberty is hereby granted that he may renew his prayer for bail after one year of framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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