

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69944 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Nand Kishore Sharma Son of Late Jaksi Sharma Resident of village -
Dudhela, P.S.- Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanand Paswan

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and 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), 328, 34 of the Indian Penal Code.

According to prosecution case, the informant lodged an information with Sultanganj police station stating therein that he solemnized marriage of her daughter Rim Jhim Kumari with Kundan Kumar Sharma as per Hindu Rites they were in love affair last 8-9 months. After marriage for some time every things was normal but after some times Kumdan Kr. Sharma, Uday Kr. Sharma, mother-in-law and father-in-law and Nand Kishore Sharma started to demand motorcycle and they tortured her for



the same. She told about the same to the complainant on phone the complainant try to specify the matter. On 21.03.2021 they aforesaid persons assaulted her as a result of which she became injured. They ousted her from the house. It is further alleged that the aforesaid person administer her toxicities article as a result of which her condition started to decreased; she took medicine with the advice of the doctor. Anyone informed about the informant, the informant got came and got admitted her in Mayaganj. Where she died during the treatment, the informant suspected that the accused persons administer her poison.

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 in fact the petitioner is the father-in-law of the deceased and it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is no specific allegation of demand of dowry against the petitioner. The petitioner is in custody since 25.08.2021.

The 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 Sultanganj P.S. Case No. 72 of 2021, 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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