

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8148 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- CHANDAUTI District- Gaya

ANIL SHARMA @ ANIL KUMAR Son of Late Rup Narayan Sharma
Resident of Village - Kujapi, P.S. - Chandauti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Shivendra Prasad, Advocate
For the State	:	Ms Meena Singh, APP
For the Informant	:	Mr Amit Anand, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 31-01-2023 Heard learned counsel for the petitioner, informant and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Chandauti Police Station (for brevity, **PS**) Case No 61 of 2021 dated 28.02.2021 registered for the offence punishable under Sections 304B, 120B of Indian Penal Code (for brevity, **IPC**).

The informant, who is brother of the victim, received information regarding his sister being done to death at her matrimonial home. The marriage was solemnized five years earlier, as per allegation. The killing is proceeded by torture and cruelty perpetrated for non-fulfillment of demand for dowry.

Learned counsel for the petitioner submits that it is a case of false implication. The petitioner has remained in custody since 03.03.2021.

Report dated 19.01.2023 regarding stage of trial shows that 2, out of 7 witnesses, have been examined.

Learned APP as well as learned counsel for the informant



have opposed the prayer for bail. It is submitted that the unnatural death was corroborated by the post mortem report. The same is within the matrimonial home and falls within the period, as contemplated under Section 304B of IPC. The petitioner, being husband, is finally responsible.

Considering the rival submissions, report of the trial Court which suggests that 2, out of 7 witnesses, have been examined, this Court, for the present, is not inclined to allow the prayer for bail. The same is rejected.

(Madhuresh Prasad, J)

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