

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25159 of 2023

Arising Out of PS. Case No.-86 Year-2020 Thana- AGIAON BAZAR District- Bhojpur

Roshan Sharma @ Raushan Sharma Son of Gulab Sharma R/o Village -
Agiaon Bazar, P.S.- Agiaon Bazar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 23-08-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner has prayed for bail in connection with
Agiaon Bazar P.S. Case No. 86 of 2020 instituted for the offence
under Sections 304(B), 120(B), 34 of the Indian Penal Code.

As per allegation in the FIR, the informant alleged that his
daughter was married with the petitioner on 26.04.2016 and
thereafter, the petitioner along with his family members subjected her
to cruelty due to non-fulfillment of dowry demand. Ultimately, on
08.08.2020 the informant came to that his daughter was killed by the
accused persons by putting her on fire. Thereafter, the present FIR
has been lodged.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. The petitioner is
husband of the deceased due to which he has falsely been implicated



in this case. There is no eye witness of the alleged occurrence. No prior complain of harassment and torture made against the petitioner. The petitioner has got no criminal antecedent as alleged in para-3 of the petition. Moreover, he is languishing in judicial custody since 16.08.2020.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is the husband upon whom the full responsibility to keep his wife well. The deceased died within seven years of marriage due to burning. During investigation, witnesses of this case have also supported the prosecution case. The postmortem report of the deceased, annexed with the case diary also corroborates the prosecution wherein, doctor opined that the cause of death is due to burn.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The learned trial court is directed to conclude the trial positively within a period of six months failing which, the petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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