

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25517 of 2023

Arising Out of PS. Case No.-161 Year-2020 Thana- MEHANDIA District- Jehanabad

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DIGVIJAY SHARMA @ PINTU SHARMA @ PINTU SON OF
RAMESHWAR SINGH R/O VILLAGE- USARIDIH, P.S.- MEHANDIYA,
DISTRICT- ARWAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Mehandiya P.S. Case No. 161 of 2020 registered for the

offences punishable under Sections 304(B) and 34 of the

Indian Penal Code.

This is the third attempt of the petitioner to seek

bail as earlier his bail application was rejected by order dated

25.04.2022 in Criminal Miscellaneous No. 46704 of 2021

and thereafter by order dated 23.11.2022 in Criminal

Miscellaneous No. 63457 of 2022.

Learned counsel for the petitioner next submits that



by order dated 23.11.2022 in Criminal Miscellaneous No. 63457 of 2022, the petitioner was granted liberty to renew his prayer for bail after the examination of the informant in the trial. The learned counsel further submits that the examination of the informant concluded on 06.02.2023. It is further submitted that from perusal of his evidence in the trial, it would manifest that at Para-7 of his cross-examination, he has stated for the first time in the trial court, that a Bolero Car was being demanded by way of dowry, the said fact was not disclosed to the police. The learned counsel for the petitioner, thus, submits that the allegation of dowry as alleged in the F.I.R. to an extent stands falsified in view of the statement of the informant recorded at Para-7, as the informant himself before the Trial Court stated that he had not disclosed before the police regarding demand of Bolero vehicle and this fact for the first time was disclosed in the trial.

The learned counsel for the petitioner next submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that no doubt the victim died within 7 years of marriage, but then it was a case of suicide and the bail



application of the petitioner was rejected on the ground that being husband it was his responsibility to ensure the well being of his wife and even if the wife committed suicide then perhaps it was the petitioner who created the conditions conducive for the victim to take such an extreme step.

The learned counsel for the petitioner next submits that altogether eight prosecution witnesses are there, out of which only 2 prosecution witnesses have been examined. It is also submitted that in the event of acquittal of the petitioner by the learned Trial Court, how his period of incarceration would be compensated and in the event if the petitioner is convicted by the learned Trial Court, he will serve the sentence. This submission of the learned counsel for the petitioner strikes the Court.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submission made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below



where the case is pending/successor court in connection with
Mehandiya P.S. Case No.161 of 2020.

However, in the event, if the learned Trial Court
comes to a conclusion that the petitioner after his release is
trying to delay the trial in any manner, the learned Trial
Court shall forthwith cancel his bail bonds after recording
reasons and shall take all coercive steps to ensure that
petitioner is behind bars.

(Satyavrat Verma, J)

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