

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30453 of 2023

Arising Out of PS. Case No.-72 Year-2020 Thana- KAJRAILICHAK District- Bhagalpur

Shambhu Sharma @ Shambhu Kumar Sharma, Son of Sri Kishore Sharma,
Resident of village - Noorpur, P.S. - Madhusudanpur, Distt. - Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with S.T. No.173 of 2023 arising out of Kajraili P.S. Case No.72 of 2020 registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

The accused/petitioner is not named in the FIR and is in custody since 05.09.2022.

As per FIR, a headless body of unknown lady was recovered by Rajendra Paswan, who is the Choukidar of Circle No.2 and informant of present case. The dead body appears 6-7 days old was almost decomposed. A suspicion raised through FIR that after committing murder somewhere else, the dead body was thrown at the place from where it was recovered, with



intention to disappear the evidence regarding crime in question.

It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is the husband of deceased, who himself is the victim of circumstances. It is submitted that since 20.10.2020, the wife of petitioner was missing, he informed missing report of his wife in writing to the Station House Officer of Nathnagar (Madhusudanpur) Police Station, which was reduced to FIR as Nathnagar P.S. Case No.642 of 2020. It is submitted that prior to this occurrence, a *sanha* (informatory petition) under Section 34 of the CrPC was given by deceased-wife of petitioner before learned Chief Judicial Magistrate, Bhagalpur claiming thereof that some untoward incident may be happened with her as petitioner is regularly torturing her for demand of dowry. It is submitted that by that time even the marriage of petitioner with deceased-wife was of 15 years old and, as such, there was no occasion to demand any dowry. It is submitted that at the instance of father-in-law the present false case was lodged against this petitioner, where the dead body of his wife recovered from an open place accessible by general public. While concluding argument, it is submitted that the petitioner is in custody since 05.09.2022 and not even a single prosecution witness is examined in this case



and, as such, trial is a remote aspect.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances and by taking note of fact as dead body of deceased-wife was recovered from the open place, where a missing case was lodged by this petitioner with local police station, coupled with the fact that the petitioner is in custody since 05.09.2022, where trial is not likely to conclude in near future, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-8th, Bhagalpur in connection with S.T. No.173 of 2023 arising out of Kajraili P.S. Case No.72 of 2020, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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