

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63931 of 2023

Arising Out of PS. Case No.-303 Year-2020 Thana- BIKRAM District- Patna

Deepak Kumar Sharma @ Deepak Sharma, Son of Rangnath Sharma,
Resident of Padariyawa, P.S. - Bikram, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner, who is in custody since 30.10.2020, has renewed his prayer for bail in connection with Sessions Trial No.287 of 2021, arising out of Bikram P.S. Case No. 303 of 2020, having earlier been rejected by order dated 12.09.2022 passed in Cr. Misc. No.66293 of 2021 registered for the alleged offences under Sections 304 (B), 302 and 201/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he killed his wife on account of dowry demand and disposed of her dead body with the help of other co-accused persons.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this



Court as his prayer for bail was earlier rejected vide order dated 12.09.2022 passed in Cr. Misc. No.66293 of 2021. While rejecting the prayer for bail, the learned trial court was directed to expedite the trial and conclude the same within nine months. But despite the specific direction, the trial has not been concluded and till date, none of the witnesses have been examined in this case though charges were framed on 07.08.2021. The learned counsel further submits that the petitioner is in custody since 30.10.2020 and there is no chance of conclusion of trial in near future. The learned counsel further submits that there could be no application of Section 304B IPC as the marriage was solemnized more than seven years prior to the date of occurrence. The FIR has been registered by the informant mentioning that his grandson told him about the petitioner and others killing his daughter, but the said grandson was not examined till the time of submission of charge sheet.

5. Learned A.P.P. opposes the prayer for bail of the petitioner. The learned APP submits that no fresh ground has been brought on record to consider the prayer for bail of the petitioner.

6. Perused the record.

7. A report dated 27.09.2023 has been received from



the learned trial court wherein the learned trial court has submitted that the charges have been framed on 07.08.2021 and there are six witnesses named in the charge sheet, but no witness has been examined till the date of submission of report.

8. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the trial is still at the initial stage and there is no likelihood of its conclusion in near future and further considering the period of the custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur, Patna, in connection with Sessions Trial No.287 of 2021, arising out of Bikram P.S. Case No. 303 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive



dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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