

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1175 of 2023

Arising Out of PS. Case No.-557 Year-2020 Thana- PHULWARISHARIF District- Patna

RAHUL SHARMA SON OF SRI AJAY SINGH R/O VILLAGE-
LAHIYARCHAK, P.S.- PHULWARI SHARIF, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritwik Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-04-2023 Heard Mr. Ritwik Thakur, learned counsel for the
petitioner and the State.

The petitioner is in custody since 25.11.2021 in connection with Spl. Case No. 1032 of 2022 arising out of Phulwari Sharif P.S. Case No. 557 of 2020 for the offence under Sections 304(B) and 201/34 of the I.P.C.

The prosecution story, in brief, is that one Suresh Sharma alleged that he got married his niece Puja Kumari in the year 2017 with Rahul Sharma (the petitioner) and after one year, she gave birth to a female child. Thereafter, his niece was being tortured by the accused Ajay Singh and other family members who started putting pressure upon her to demand the cost of livelihood from her parent but she refused to meet their demand. Thereafter, she was being assaulted and tortured and on



5.10.2020, she was killed and they ensured disappearance of her dead body. When he came and enquired, the accused persons started assaulting and abusing him.

Learned counsel for the petitioner straight away took this Court to Annexure 2 of the petition which is the death certificate issued by the Avantika Memorial Hospital, 8M/6, Bahadurpur Housing Colony, Near Agamkuan Thana, Patna where the lady (the deceased) Pooja Kumari was admitted on 04.10.2020 with acute respiratory problem and breathed her last on 05.10.2020 due to multiple organ failure. The husband (the petitioner herein) was present there and after the formalities, the body was handed over to him.

Learned counsel for the petitioner further submits that since it was a natural death on 05.10.2020, everyone including her in-laws participated in the last rites of his wife and after the mortal remains were consigned to flame, as an after thought, the present F.I.R. was lodged on 10.10.2020 after delay of five days

Learned APP, on the other hand, submits that he being husband cannot exonerate himself of the charges.

From the averment made by the learned counsel for the petitioner as also the document that has been brought on



record (of a nursing home) it seems that the deceased was treated in the said hospital and died of multiple organ failure.

Further, considering the fact that F.I.R. was lodged after delay of five days, the petitioner-husband is in custody since 25.11.2021 (para 18 of the petition), this Court is inclined to extend him the privilege of bail with conditions so that the trial is not hampered.

Let the petitioner be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-XIII, Patna , in connection with Phulwari Sharif P.S. Case No.557 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

It is made clear that any observations made in the present petition will not be taken into consideration during the trial as the same has been observed only for the purpose of grant of bail.

(Rajiv Roy, J)

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