

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27854 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- KUMAR KHAND District- Madhepura

Bihari Sharma SON OF LATE SRILAL SHARMA RESIDENT OF
VILLAGE- TIKULIYA, WARD NO. 13, PS- KUMAR KHAND, DIST-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad
		Mr.Manoj Kumar
		Ms.Pooja Prasad
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 01-08-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Kumarkhand P.S. Case No. 342 of 2023,
registered for the offences punishable under Sections 302 and
328 of the IPC.

3. As per prosecution case, the marriage of the
informant's sister was solemnized with the petitioner 15 years
prior to lodging of the FIR. The petitioner used to assault her.
On 04.09.2023, at the mid-night, at 2 O' clock, the petitioner
informed the informant that his sister has consumed poisonous
substance. He went to the matrimonial house of his sister. Vijay



Kumar, the son of the deceased, aged about 12 years, apprised the informant that there had been some quarrel between their mother and father and her mother consumed poisonous substance.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He is a person of clean antecedent. The marriage of the deceased was solemnized with the petitioner 15 years prior to lodging of the FIR. The deceased herself consumed poisonous substance and committed suicide. He has also submitted that the children of the deceased as well as other witnesses have stated in their depositions that the couple used to quarrel with each other due to which the deceased consumed poisonous substance. The petitioner is under custody since 05.09.2023 and there is no one in the house to look after his minor children.

5. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhepura in connection with Kumarkhand P.S. Case No. 342 of 2023, subject to the



following condition:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) **The petitioner shall remain present physically on each and every date before the learned court below till disposal of the trial. In case of failure on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bonds of the petitioner.**

(Nawneet Kumar Pandey, J)

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