

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35507 of 2024

Arising Out of PS. Case No.-569 Year-2023 Thana- RAJAON District- Banka

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1. Sapna Devi wife of Basuki Sharma @ Basuki Kumar Sharma R/o - Vill Chooti Bhakhadda P.S- Rajoun Dist - Banka
 2. Basuki Sharma @ Basuki Kumar Sharma S/o - Jay Ram Sharma R/o - Vill Chooti Bhakhadda P.S- Rajoun Dist - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murlidhar Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in Rajaon P.S. Case No. 569 of 2023, instituted for the offences punishable under Sections 306/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, the daughter of the informant died and the informant suspects that the accused persons after hatching conspiracy gave poison to daughter of the informant due to which she died in course of treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners are husband and wife and petitioner no. 1 has provided some medicine to the deceased which might have caused vomiting to her and there is allegation of abusing upon petitioner no. 2. The present case is a case of love affairs and the deceased committed suicide due to ill behaviour of the informant and her parents were not agreeable with whom the deceased wanted to marry. The petitioners are in custody since 13.11.2023 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted bail by this Court vide order dated 18.03.2024 passed in Cr. Misc. No. 19600 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let petitioner no. 1 be released on bail *after framing of charge, if not already framed* and let petitioner no.



2 be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rajaon P.S. Case No. 569 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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