

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58778 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- MADANPUR District- Aurangabad

Himanshu Kumar Sharma @ Himanshu Kr Sharma @ Himanshu Kumar S/O
Ganauri Sharma @ Ganauri Mistry R/O Village- Parariya, P.S- Madanpur,
Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 07-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302 and 34 of the Indian Penal Code.

3. It is a case of dowry death of the informant's daughter due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. There is no prior complaint in respect of harassment, dowry demand and assault. It is further submitted from para-13 of this petition that the marriage of petitioner with the informant's daughter was the second



marriage of the petitioner as the first wife of the petitioner had deserted him and left him forever. As the petitioner was a divorcee, the informant's daughter was not willing to marry him but her marriage was solemnized under the pressure. After the marriage, the informant's daughter started creating disturbance in the family, after which the petitioner had to separate himself from the other family members. It is also submitted from para-17 of this petition that when the petitioner had gone to work in the field, the informant's daughter committed suicide in the house when he was alone in the house. From perusal of the postmortem report, the doctor opined that the cause of the death of the deceased is asphyxia as a result of ante mortem hanging. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 07.04.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Madanpur P.S. Case No. 141



of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Aurangabad.

(Sunil Kumar Panwar, J)

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