

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80739 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- BHARGAMA District- Araria

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Dhanik Lal Sharma @ Dhanik Sharma, Aged about 55 years, Son of Late Sukhdev Sharma, R/o vill - Simarbani, ward no. 1, P.S. - Bhargama, Dist. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate
Mr. Dheeraj Kumar, Advocate
For the Opposite Party/s : Mr.Binod Kumar No.3, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 23-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bhargama P.S. Case No. 120 of 2023 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. Allegation against the petitioner is to have committed murder of the informant's sister by administering poison.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Petitioner is father-in-law of the deceased and due to which he has falsely been implicated in this case. He is living separately and he has



no concern with the affairs of the deceased and her husband. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 04.08.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., impugned order dated 11.09.2023, case diary, postmortem report and F.S.L. report of the deceased, it appears that on the basis of written report of informant Domi Sharma F.I.R. registered against two accused persons including the present petitioner. The allegation against the petitioner is of committing murder of the informant's sister by administering poison. As per F.S.L. report, aluminum phosphide like poisonous substance was detected in the body of the deceased but in para 18, 19 and 20 of the case diary, the witnesses have not supported the case of prosecution and allegation levelled against the petitioner for giving poison to the deceased rather they have stated that due to some family dispute deceased Sulekha Devi herself consumed poison due to which she died. Both the parties have filed compromise petition before the learned Judicial Magistrate and certified copy of the said compromise petition is annexed as Annexure-2 to this petition.



7. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No.120 of 2023.

(Ramesh Chand Malviya, J)

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