

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.909 of 2025

Arising Out of PS. Case No.-714 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Rahul Sharma @ Rahul Kumar, aged about 29 years (Male), S/O Indal Sharma, Resident of Batraha (Bhartiya Nagar), Ward No. 35, P.S.- Saharsa Sadar, Distt.- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Subesh Sharma, Advocate

For the Opposite Party : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 714 of 2023 dated 10.10.2024 registered for the offences punishable under Sections 302, 304B read with Section 34 of the I.P.C.

3. As per the prosecution case, the petitioner and the other co-accused persons are alleged to have killed the informant's daughter due to non-fulfilment of demand of motorcycle as dowry.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is the husband of the



deceased. The petitioner has neither tortured the deceased nor demanded any dowry from the deceased. It is further submitted that the occurrence took place on 08.10.2023 and the informant was informed about the death of the deceased by the petitioner and he came and in his presence, police carried out the dead body for postmortem and after postmortem, the dead body was cremated in his presence but at the instance of villagers with whom the petitioner has inimical terms, this false case has been lodged by the informant on 10.10.2023. It is further submitted that the reason behind the occurrence is that the deceased alongwith some other ladies took some loan from the Bank but instalment of the same has not been paid by her since four months and due to which, hot talk took place among the family members and due to this annoyance, she hanged to death in the night on 08.10.2023. It is further submitted that earlier no any complaint was made by the informant or deceased against the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 27.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Saharsa in connection with Saharsa Sadar P.S Case No. 714 of 2023, corresponding to S.T. No. 234 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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