

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31757 of 2025

Arising Out of PS. Case No.-167 Year-2024 Thana- SIMRAHA District- Araria

1. Rajesh Sharma @ Rajesh Kumar Sharma Son of Late Sarju Prasad Sharma @ Saryug Sharma Resident of Village - Rahikpur, Tilak Mohan @ Thela Mohan, Ward No.- 5, P.S.- Simraha, District - Araria.
2. Babbi Kumar Sharma @ Babi Kumar Sharma @ Babbi sharmaa Son of Rajesh Sharma @ Rajesh Kumar Sharma Resident of Village - Rahikpur, Tilak Mohan @ Thela Mohan, Ward No.- 5, P.S.- Simraha, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Simraha P.S. Case No. 167 of 2024 registered for the offences punishable under Sections 80 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is to the effect that marriage of the informant's daughter was solemnized with co-accused Shanni Kumar Sharma alias Sunni Kumar Sharma about 9 months ago from the lodging of the F.I.R. It has been alleged that the informant's daughter has been tortured by her husband and in-laws and there was demand for gold. It has also been



stated in the F.I.R. that the husband of the informant's daughter namely Shanni Kumar Sharma alias Sunni Kumar Sharma has assaulted her and by the time the informant and others came to the house of his daughter, the informant came to know, the accused persons have taken her daughter to hospital for treatment where she was declared to be dead.

4. The Learned counsel for the petitioners submits that the petitioner no. 1 is the father-in-law and petitioner no. 2 is brother-in-law of the deceased. Learned counsel further submits that on perusal of the F.I.R., it would be evident that neither there is specific demand of dowry against the petitioners nor there is any allegation of assault against the petitioners. It has further been submitted that the deceased namely Rubi Devi has died unfortunately during the last stage of pregnancy. Lastly, it has been submitted that the petitioners have clean antecedent and are in custody since 16.11.2024 and so is the husband of the deceased Rubi Devi i.e. son of the petitioner no. 1 and brother of the petitioner no. 2.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioners and has stated that there is serious allegation against the petitioners to have demanded dowry and subsequently they have killed the said Rubi Devi.



6. Considering the aforesaid submissions made by the parties and taking into account the fact that there is no specific allegation against the petitioners and also taking into account the period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Chief Judicial Magistrate, Araria in connection with Simraha P.S. Case No. 167 of 2024, subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal



antecedent, the court below shall take step for
cancellation of bail bond of the petitioners.
However, the acceptance of bail bonds in terms of
the above-mentioned order shall not be delayed for
the purpose of or in the name of verification.

(Sourendra Pandey, J)

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