

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74091 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Ram Kumar Sharma S/o Maheshwar Sharma R/o Vill- Kalyanpur North,
Ward No-10, P.S-Bibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar, Advocate
For the Informant	:	Mr. Rabish Kumar, Advocate
		Mr. Adarsh Gaurav, Advocate
		Mr. Adarsh Singh, Advocate
For the State	:	Mr. Mithlesh Kumar Khare. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 08-05-2025 Heard Mr. Shailendra Kumar, the learned counsel appearing on behalf of the petitioner, Mr. Rabish Kumar, the learned counsel for the Informant and Mr. Mithlesh Kumar Khare, the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Bibhutipur P.S. Case No. 78 of 2023, registered for the offences punishable under Sections 304(B) and 34 of the IPC, later on charge-sheet has been submitted under Sections 498A, 304(B)/34, 3 and 4 of the Dowry Prohibition Act.

3. The allegation against the petitioner is that he along with the other accused persons used to torture the daughter of the informant for non-fulfillment of demand of dowry and used to assault her. It is alleged in the FIR that on 02.03.2023, the



informant got the information that his sister had been done to death by the two named accused persons, namely, Maheswar Sharma and Meena Devi.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on false charges of demand of dowry and he further states that from mere perusal of the FIR, it is evident that on the date of the so called murder of the sister of the informant, the petitioner was not present at the place of occurrence. The learned counsel has further submitted that the petitioner has clean antecedent and he is in custody since 04.11.2023 and it has further been submitted that the examination of all the private witnesses is complete and only the two official witnesses i.e., the doctor and the I.O. remains to be examined.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the sister of the informant has been done to death by the named accused persons for non-fulfillment of demand of dowry and the petitioner being the husband is responsible for the death of the sister of the informant. The learned counsel for the informant has also stated that the trial is about to be completed and hence,



the petitioner should not be released on bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account that the examination of the private prosecution witnesses is over and only the official witnesses remain and also taking into account the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, 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 court of learned Additional District and Sessions Judge-I, Rosera, at Samastipur, in connection with Bibhutipur P.S. Case No. 78 of 2023, subject to the following conditions:-

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

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

(iii) The petitioner should not delay the trial and if it is found that any delay on account of the petitioner, the



prosecution shall be at liberty to move for cancellation of his
bail bonds.

(Sourendra Pandey, J)

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