

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88240 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- SIMRA District- Aurangabad

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Anil Sharma S/o Ramanand Sharma R/o vill - Simra, P.S.- Simra, Distt.-
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 11-04-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with Simra
P.S. Case No. 30 of 2024 dated 13.06.2024 for the alleged
offences punishable under sections 302 and 308 of the Indian
Penal Code.

3. The prosecution case is that the informant Badri
Sharma alleged that his daughter was married to one Anil
Sharma in the year 2009 and on 12.06.2024, Anil Sharma his
son-in-law called him and informed that he has administered
poison to his daughter and he should come and meet her as she
would be dying very soon. It has further been alleged that the
informant came to the house of his daughter and her daughter
too informed that her husband has given her the poison and
thereafter, Anil Sharma, the husband took her to Aurangabad for



treatment where she died during the course of treatment.

4. Learned counsel for the petitioner submits that the FIR has been filed as an after thought as the petitioner had informed his father-in-law about the deceased having taken the poison and he tried his best to get her treated. It has further been submitted that it is very amusing that the informant being the father of the deceased had come to meet his daughter and he did not take any effort to get her treated. Learned counsel for the petitioner further submits that there is nothing on record to suggest that the deceased was inflicted any injury prior to the said incident. Learned counsel has further submitted that the petitioner carries no criminal antecedent and he is in jail since 13.06.2024.

5. Learned APP for the State opposes the prayer for bail stating that there is specific allegation upon the petitioner who had administered poison to his wife who subsequently died. Learned APP has suggested that since there is a specific allegation upon the petitioner to have given poison to his wife he should not be enlarged on bail.

6. Considering the facts and circumstances of the case and taking into account the fact that the petitioner himself had taken his wife for treatment to Aurangabad and also the fact that



he had himself informed about the incident to the informant goes on to show that the story as propounded by the informant does not match with the other facts of the case. Considering the above let the petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Aurangabad in connection with Simra P.S. Case No. 30 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) one of the bailors will be a close relative of the petitioner.

(ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Sourendra Pandey, J)

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