

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.460 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- PATKHAULI District- West Champaran

Nakul Sharma S/o Late Madan Sharma R/o Village- Kailash Nagar, Ward
No.4, Police Station- Pathkauli, (Bagaha), Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Shankar Sahay, Advocate
		Ms.Pruna Anand, Advocate
For the Opposite Party/s	:	Mr.Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 19-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offences under Sections 304(B), 34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the
informant was married with the petitioner in the year 2018 and
it is alleged that she was being tortured for the demand of
motorcycle and Rs. 3,00,000/-. It is further alleged that the
informant received an information that her daughter was very
serious and by the time they reached the house of their daughter
they found her murdered in the house and her in-laws had fled
away from the house.

4. Learned counsel for the petitioner submits that



petitioner is the husband of the daughter of the informant and has falsely been implicated in this case. Learned counsel further submits that no such incident as alleged had occurred and it was on account of hanging that his wife had died and a police case has been lodged as an after thought, in order to falsely implicate the petitioner. It is next submitted that during the course of trial, the informant as P.W.-5 has been examined and in her cross-examination she has stated that she was not aware of the application which she had given to the police and the same was never read over and explained to her. The informant has further deposed that she came to know later that her daughter had died due to a disease and her treatment was being carried out by her in-laws and her daughter had never complained about the conduct of the in-laws. Learned counsel further submits that three other prosecution witnesses have also not supported the prosecution in their deposition and were declared hostile. Learned counsel further submits that in view of the aforesaid deposition, it is less likely that the petitioner would have conspired the murder of the deceased and he also has three children to look after. It is lastly submitted that the petitioner has clean antecedent and is in custody since 14.06.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner has



committed murder of his wife and from perusal of the post-mortem report, it is clear that the death was caused by asphyxia, therefore, he should not be released on bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account the deposition of the prosecution witnesses, let the petitioner above-named 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 court below where the case is pending/successor court in connection with Sessions Trial No. 779/2024 arising out of Pathkauli P.S. Case No. 39/2024 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. 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.
- d. The Court below shall verify the criminal antecedent of the petitioner and in case at any



stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

e. If it is found that the trial is being delayed on account of the petitioner, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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