

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58607 of 2025

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

Shanni Kumar Sharma @ Sunny Kumar Sharma S/o- Rajesh Sharma @
Rajesh Kumar Sharma Village- Rahikpur Tilak Mohan @ Thela Mohan
W.No-5, P.s. Simraha District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 12-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 80 and 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the petitioner is said
to have tortured and killed the daughter of the informant due to
non-fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that
the allegation of demand of dowry and subjecting the victim to
torture is clearly false and baseless. As a matter of fact, the
victim was pregnant and she died on account of abdominal
pain, while being taken to the hospital for treatment. Learned



counsel has pointed out that the *postmortem* report does not indicate any external injury on her person and rather indicates that there was a dead male fetus of 34 to 36 weeks confirming the pregnancy and existence of a cyst is also shown from the ultrasound report. The very fact that the deceased was carrying pregnancy and the petitioner was getting her treated there is no reason whatsoever, why he would cause the death of the deceased at this stage. The petitioner is in custody since 16.11.2024 and till date no substantial progress has been made in the trial and the case has only been committed to the court of sessions.

5. Learned APP for the State opposed the grant of bail on the ground that the petitioner is the husband of the deceased and there is direct allegation against him and the viscera report, which has earlier been called for, also confirms the fact that Aluminium Sulphate (celphos) was detected in the viscera report, which is highly poisonous.

6. Taking into consideration the facts and circumstances and considering the confirmation of presence of poison in the viscera report, coupled with the fact that the petitioner happens to be the husband of the deceased, who is primarily responsible for her welfare, this Court is not inclined



to grant the privilege of bail to the petitioner at this stage.
Accordingly, the prayer for bail of the petitioner is hereby
rejected in connection with Simraha P.S. Case No.167 of 2024.

7. However, learned Trial Court is directed to
expedite the trial and the petitioner would have the liberty to
renew his prayer at an appropriate stage, if the trial does not
proceed expeditiously.

(Soni Shrivastava, J)

anand/-

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