

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57055 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- FALKA District- Katihar

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RAMESH SHARMA Son of Late Thakur Sharma R/V- Beshnichak
Chandpur, P.S- Falka (Pothia), Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

According to prosecution case, one Mohan Sharma
submitted a written report to the Pothiya (O.P.) on 12.06.2022
alleging therein that his sister Mummi Devi married with the
petitioner and after the marriage three children born out of
whom one is daughter and two son. It is further alleged that the
F.I.R. named accused persons including the petitioner were
tortured the deceased (wife) of the petitioner for non fulfillment
of demand of Rs.75,000/- and also threatened in dire
consequence to kill her if she will not bring the aforesaid



amount from her matrimonial home. It is further alleged that on 12.06.2022 in the morning informant got an information that his sister was murdered by the accused persons then they reached there and found the dead body of the deceased Munni Devi and laying in the barandah having black mark found on neck.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list that there is general and omnibus allegation against the petitioner. He further submits that the deceased has committed suicide herself and it is apparent from the inquest report that no injury was found on the body of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 learned Court



below where the case is pending in connection with Falka P.S.

Case No. 223 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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