

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36431 of 2015

Arising Out of PS.Case No. -65 Year- 2014 Thana -CHAKAI District- JAMUI

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1. Sahzad Sheikh Son of Paigam Sheikh, resident of Gaura, P.S. Chanan,
District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 01-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Chakai
P.S. Case No. 65 of 2014 registered for the offences punishable
under Sections 304(B), 120(B) of the Indian Penal Code.

Ruksana Khatoon, the daughter of the informant was
married to the petitioner in the year 2008 and due to non-
fulfillment of demand of dowry by way of Rs. one lac, she was
being tortured and subjected to cruelty but she gave birth of two
children out of the wedlock and allegedly by administering poison,
the petitioner and other co-accused killed her.

Submission is of false implication and that the
occurrence is alleged to be of 23.11.2013 and complaint case has



been filed on 05.02.2014. As a matter of fact, the petitioner was leading happy conjugal life, he never demanded anything, the wife of the petitioner got problem of dehydration when she along with petitioner came at Chakai to attend the marriage of her sister and she was admitted to Sadar Hospital, Deoghar and thereafter she was treated by Doctor Mahesh Kumar Mishra, M.B.B.S. but unfortunately she got sudden cardiac attack and expired. The said doctor has issued certificate vide annexure-2 to this application and death certificate granted by the doctor has been attached to the case diary. Funeral was performed as per custom and photography was also done. The informant started pressuring the petitioner to pay Rs. one lac and lodged this false case after three months of the death of her daughter and, as such, the petitioner who is suffering in custody since 10.05.2015, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that complaint case has been filed after much delay, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Judicial

Magistrate, 1st Class, Jamui arising out of Chakai P.S. Case No. 65 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

sushma/-

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(Jitendra Mohan Sharma, J)