

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10672 of 2016

Arising Out of PS.Case No. -238 Year- 2014 Thana -BAUSI District- PURNIA

=====

1. Md. Shamsheer, Son of Hasibul, Resident of Village- Simalbari, P.S.-
Baisi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Adv.

For the Opposite Party/s : Mr. B.M.P.Sinha (App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 26-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in a case for the offence
punishable under Sections 304B/34 of the Indian Penal Code.

Salmi the daughter of the informant was married to the
petitioner five years ago and allegedly the petitioner has
performed another marriage and started torturing her. Ultimately,
she was killed by the petitioner and another in-laws by
administering poison.

Submission is of false implication and that admittedly
the petitioner was not present at the place of occurrence at that
time and he was outside the village, the allegation is against Tanzil

who is the dewar of the deceased. Out of the wedlock there is a three years old daughter also, nothing was ever demanded and the deceased died due to illness.

Learned A.P.P. duly assisted by learned counsel for the informant opposes prayer for bail by submitting that the petitioner was conspiring with the other co-accused and he used to torture the deceased telephonically also and further in the viscera report aluminium phosphide was detected and accordingly the prayer for prearrest bail of the petitioner was rejected by this Court.

In the facts and circumstances as stated above, considering that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence, Tanzil has already been allowed bail and as such petitioner 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 learned Chief Judicial Magistrate, Purnea in Baisi P.S. Case No. 238/2014, subject to the conditions that one of the bailors must be a 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.

Vinita/-

U		T	
---	--	---	--

(Jitendra Mohan Sharma, J.)

