IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45483 of 2015

Arising Out of PS.Case No. -109 Year- 2014 Thana -SIMRI District- DARBHANGA

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1. Md. Qamre Alam son of Late Md. Hasan resident of Village - Arai, P.S. - Simri, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ravi Ranjan
For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-01-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Simri P.S. Case No. 109 of 2014 registered for the offences punishable under Sections 498(A), 302/34 of the Indian Penal Code.

Shakeela Khatoon, the sister of the informant was married to petitioner 15 years ago and out of the wedlock, there are four daughters and one son and due to non-fulfillment of demand of Rs. two lac, the petitioner and other in-laws used to torture her and ultimately burnt her and when she was treated at DMCH, she succumbed to the injures.

Submission is of false implication and that the prosecution story appears not probable and reliable, the alleged

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fardbeyan of the deceased is also not reliable because there is nothing on the record to show that whether Shakeela Khatoon was under fit condition to give her statement. The said fardbeyan has not been recorded in presence of doctor and further the two witnesses have not stated that in their presence, Shakeela Khatoon gave her statement. The prosecution has developed the story during investigation. The daughter of the petitioner is also not reliable and further with similar allegation the mother of the petitioner has already been allowed bail and as such, the petitioner also deserves sympathetic consideration as he is suffering in custody since 04.09.2014, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that the statement of Shakeela Khatoon is dying declaration wherein, she has stated that the petitioner burnt her and further the daughter of the petitioner has also supported the allegation of burning by the petitioner and doctor has also found the cause of death due to dehydration and shock due to the injuries caused by flames of fire and, as such, the petitioner does not deserve bail.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner

serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly, such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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