

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.347 of 2017**

Arising Out of PS.Case No. -46 Year- 2016 Thana -CHAND District- BHABHUA (KAIMUR)

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Shamsher Ali @ Mallu, s/o late Lal Mohamad, Resident of Village-Sirihira, P.S.- Chand, District- Kaimur at Bhabua.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party/s : Md. Nazir Ansari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      20-02-2017                      Heard learned counsel for the petitioner and the State.

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

The petitioner is husband of the deceased. There is allegation in the written report that the petitioner started committing torture with his wife (since deceased) and demanded Rs.1,00,000/- just after the marriage. The petitioner developed illicit relationship with one Hamida and he committed torture with the daughter of the informant for non-fulfillment of dowry demand. When the informant made protest with regard to such illicit relationship, she was burnt to death in her sasural. The informant was informed by his cousin sister Noor Jahan on his mobile and, thereafter, he went along with the villagers to the



sasural of his daughter.

Learned counsel for the petitioner has submitted that the charge has been framed in this case.

Learned A.P.P. has submitted that the witnesses in paragraphs-10, 11 and 12 of the case diary have stated before the police about the illicit relationship with Hamida and when the deceased protested, she was done to death. The witnesses in paragraphs-15 and 16 have also supported that the smell of kerosene oil was coming out from her body. The postmortem report also supports that she died on account of burn injury.

In such circumstances, keeping in view the nature of offence, this Court is not inclined to grant bail to the petitioner.

The prayer for bail of the petitioner stands rejected.

However, the court below is directed to expedite the trial.

The petitioner may renew his prayer for bail after nine months if no substantive progress is made in the trial.

S.Ali/-

**(Sanjay Priya, J)**

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