

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3752 of 2017

Arising Out of PS.Case No. -133 Year- 2016 Thana -BENIPATTI District- MADHUBANI

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1. MD. SHAMIM AKHTAR @ MD. SHAMIM, S/o Md. Sahir Aajad,
resident of village-Paigambarpur, P.S.-Kewati, District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 09-03-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner seeks bail in Benipatti P.S. Case
No.133 of 2016 instituted for the offence under Section(s) 364,
379/34, 302 Indian Penal Code pending in the Court of the
Additional Chief Judicial Magistrate, Benipatti, Madhubani.

It is alleged in the written report that on 18.08.2016,
the informant did not find her daughter, Ulfat Praveen, in the
house. She found that all the articles in the houses were scattered.
The informant made search and learnt from one Md. Heera that
sometime back Md. Shamim Akhtar (petitioner) had come on
four-wheeler along with three other persons and they have
forcibly taken Ulfat Praveen on the car. Shamim had also kept



one briefcase in the car.

It has been submitted on behalf of the petitioner that earlier Complaint Case was filed by the deceased against the petitioner, who is the husband of the deceased, which ended in acquittal on the basis of compromise. After compromise, the petitioner paid rupees three lacs sixty one thousand before the *Panches* as one time settlement for which agreement was executed on 02.06.2016 and thereafter the petitioner had no concern with the victim. The victim has been murdered in Mumbai and the petitioner has been arrested by the police in course of investigation at Mumbai. The deceased after getting divorce fell in live with one Mukesh Sah and she also changed her name and religion and became Puja Sah where she got burn injury by stove, which will appear from the First Information Report lodged by Mukesh Sah at Nala Sopara Police Station.

Learned APP has submitted that in this case investigation has been done by Maharashtra Police. The learned APP after looking into the case diary has submitted that during investigation police had recorded statement of Mukesh Sah, which is available at para 87 of the case diary, wherein, he has stated that deceased was found loitering near Nala Sopara Station and he kept her in his house as wife by name Puja. On



31.10.2016, when he came to house, he found deceased, Ulfat Praveen, burning. He made efforts to save her and also sustained burn injuries. The deceased told him that her husband, Md. Shamim, and three others had burnt her by sprinkling kerosene oil.

Learned APP has further submitted that statement of the deceased was recorded by the Executive Magistrate, Mumbai City, prior to her death, which is available at para 68 of the case diary, wherein, she has stated that her husband Md. Shamim (petitioner) has burnt her along with other accused persons as named in her statement.

Learned APP has further submitted that other witnesses in para 95, 96 have stated that they had gone to Kastubra Hospital, Mumbai, to see the deceased after receiving call from her father and she told them that she has been burnt by her husband Md. Shamim and his other family members. Other witnesses in para 97 and 98 have stated that they learnt that victim was burnt to death by the petitioner and other accused persons.

The police after investigation submitted charge-sheet against this petitioner for the offence under Section(s) 364, 379, 302, 120-B Indian Penal Code.



Petitioner is the husband of the deceased and there is specific allegation against him in the case diary as mentioned above.

In view of such, this Court is not inclined to enlarge the petitioner on bail.

Prayer is **rejected**.

(Sanjay Priya, J)

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