

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31135 of 2018

Arising Out of PS.Case No. -40 Year- 2018 Thana -KATIHAR MUFFASIL District- KATIHAR

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Md. Shamim, Son of Late Shamsul Haque, R/o Village- Rajitpur, Ward
No.45, P.S.- Muffasil, Distt- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 09-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Muffasil P.S. Case No.40 of 2018 registered for the offences
punishable under Sections 304B and 34 of the Indian Penal Code.

The allegation as F.I.R. is that the petitioner who is
father-in-law of the deceased, along with other co-accused
committed murder as the demand of dowry was not fulfilled.

It has been submitted that this petitioner has been
falsely implicated in this case with malicious intentions. The
demand of motorcycle and cash amount is omnibus against the
entire family members of the petitioner. The petitioner being
father-in-law was maintaining cordial relation with his daughter-



in-law. After unnatural death of deceased, this petitioner had informed the family members of the deceased and on their arrival the dead body was cremated. The son of petitioner was not maintaining cordial relation with his father (petitioner) and so the petitioner was residing separately. The husband of the deceased is in custody. The petitioner is in custody since 04.03.2018 having clean antecedent and so he deserves bail.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in connection with Muffasil P.S. Case No.40 of 2018, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of



failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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