

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58507 of 2017

Arising Out of PS.Case No. -298 Year- 2012 Thana -BAHERI District- DARBHANGA

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Md. Shamsheer, S/o Noor Ghani, R/o Mohalla/Village – Rajmani, P.S. Biraul, District- Darbhanga. At present – Mohalla – Sahganj, P.S. Laheriasarai, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Sri Parmanand Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-01-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Baheri P.S. Case No. 298 of 2012, registered for the offences punishable under Sections 304(B)/201/34 of the Indian Penal Code.

Gajala Perween, the daughter of the informant was married to the petitioner two and half years ago and allegedly due to non-fulfillment of demand of dowry she was being tortured though out of wedlock there is a daughter and ultimately she was killed by the petitioner and other in-laws 7-9 months ago and cremated the dead body.

Submission is of false implication and that there was cordial relation between the petitioner and his wife Gajala Perween, she met an accident and was burnt when she was



cooking food. She was treated in Darbhanga Medical College and Hospital in the unit of Dr. B.K. Singh, where Gajala Perween has given her statement on 06.01.2012 vide Annexure-2 and later on she was not saved and died. After realizing the truth the informant has compromised the case and compromise petition has also been filed and further the informant has filed petition in the learned court below supported with affidavit showing innocence of the petitioner, without proper investigation charge sheet has been submitted in this case and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that the informant later on has retracted from her earlier version.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- IX, Darbhanga, in connection with Baheri P.S. Case No. 298 of 2012, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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