

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7010 of 2021

Arising Out of PS. Case No.-116 Year-2017 Thana- GOVINDPUR District- Nawada

Md. Shamsheer Alam @ Shamsheer Alam Son of Nezamuddin @ Nezam
Resident of Village - Baniya Bigha, P.S.- Govindpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjev Kumkar Mishra, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

4 15-07-2021

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 304(B) of the Indian Penal Code.

Allegation against the petitioner is to have killed the daughter of the informant for non-fulfillment of demand of dowry.

Earlier thrice bail of the petitioner has been rejected by different Co-ordinate Benches of this Court.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that first time when the bail application of the

petitioner was argued, by mistake wrong facts were explained by the advocate of this case regarding the said occurrence stating therein that the deceased got ablazed while she was cooking food but actually, it was alleged in the FIR that all the seven family members including the petitioner strangled the deceased.

It is contended that deceased committed suicide which is corroborated by the postmortem report, where cause of death of the deceased is stated to be asphyxia due to hanging. Petitioner has no criminal antecedent and he is in custody since 27.10.2017, i.e., more than 3 and ½ years.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sessions Trial No.88 of 2018 arising out of Govindpur P.S. Case No. 116 of 2017, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date

fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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