

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21131 of 2022**

Arising Out of PS. Case No.-45 Year-2016 Thana- AURANGABAD COMPLAINT CASE  
District- Aurangabad

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SHAMEER ANSARI @ MD. SHAMEER ANSARI SON OF JUNAID  
ANSARI R/O- VILLAGE- MUSLIMABAD P.S.- HASPURA, DISTRICT-  
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      02-11-2022                      Heard learned counsel for the petitioner and learned A.P.P.  
for the State.

Let the defect(s), if any, be removed within a period of  
four weeks.

The petitioner apprehends his arrest in a case registered  
for the offences punishable under Sections 304(B) and 201/34 of the  
Indian Penal Code.

Learned counsel for the petitioner submits that petitioner  
is a person with clean antecedent.

The complainant alleges that his daughter was married to  
the petitioner on 18.01.2015 and the accused persons including the  
petitioner started demanding land by way of dowry but even after  
execution of sale deed the accused persons continued to torture the  
deceased. On 06.09.2015, the accused persons killed the deceased  
and cremated her body without informing the complainant and when



he returned from Mumbai he came to know about the death of the deceased by strangulation. It is further alleged that police did not register an FIR, as such, the complaint case came to be instituted.

Learned counsel for the petitioner submits that petitioner has been falsely implicated being the husband of the deceased. It is further submitted that from perusal of the complaint petition itself it would manifest that the complainant has clearly alleged in the complaint petition that he received information about the death of his daughter on 09.09.2015 but the complaint came to be filed on 05.02.2016 i.e. after more than five months of the occurrence. It is next submitted that it absolutely does not stand to reason that if the complainant came to know about the death of his daughter on 09.09.2015 why he did not immediately rush to the matrimonial home of the deceased for lodging an FIR or a complaint. The fact is that complainant instituted the present case after a delay of more than five months that in itself demonstrates about the falsity of the allegation. Learned counsel also submits that even the marriage was more than five years old and in these five years not a single complaint ever came to be filed either by the complainant or the deceased against the petitioner which amply demonstrates that the relationship between the parties was cordial. Learned counsel next submits that the deceased was suffering from tuberculosis for which she was under treatment of the Doctor as would be evident from Annexure-2 series to the anticipatory bail application. Learned



counsel also submits that no doubt the marriage was not seven years old and the presumption is against the petitioner for the present but then the facts of the case creates doubt with regard to the veracity of the allegation.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Daudnagar (Aurangabad) Complaint Case No. 45/2016/59/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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