

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22147 of 2022

Arising Out of PS. Case No.-102 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

Md. Shamsheer Alam, Son Of Md. Tahir, R/O - Usrahi Supaul, P.S.-
Ghanshyampur, District- Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binit Kumar, Advocate
For the State : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 13-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with
Ghanshyampur P.S. Case No.102 of 2020 registered for the
offence punishable under Section 304B/34 of the Indian Penal
Code.

There is an allegation that the petitioner has killed his
wife by setting her ablaze.

The petitioner's prayer for bail was earlier rejected on
05.10.2021 in Cr.Misc. No.14824 of 2021. The period of
custody now is more than two years. In view thereof, this Court
required the trial court to submit a report regarding the stage of
trial.

Report dated 22.06.2022 indicates that after



commencement of prosecution witnesses on 09.02.2022 till the date of report i.e., 22.06.2022, no prosecution witness was examined. There is practically no progress at the trial whatsoever.

The petitioner's prayer for bail in the circumstances, having regard to the period of custody and taking note of the fact that there is no progress at the trial, is allowed, subject to the condition that the petitioner shall participate in the case on day to day basis.

Let the petitioner, above named, 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 Additional Sessions Judge-X, Darbhanga, in connection with Ghanshyampur P.S. Case No.102 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails



to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

PNM/Shashank

(Madhuresh Prasad, J)

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