

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72000 of 2023

Arising Out of PS. Case No.-113 Year-29 Thana- HABIBPUR District- Bhagalpur

Md. Shamsheer @SHAMSHER Son Of Md. Moieen Resident Of Village-
Kurban, Ps- Habibpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Habibpur P.S.

Case No. 113 of 2023 registered for the offences punishable under
Sections 302, 201/34 of the Indian Penal Code pending in the
Court of learned J.M. 1st Class, Bhagalpur.

3. As per the prosecution case, informant alleged that
the petitioner had called his sister and on the pretext of returning
Rs. 2,50,000/-, which he had earlier borrowed from her, and also
for handing over the ticket for return journey to Delhi, and then
killed her with sharp weapon.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
The allegation levelled against the petitioner is not specific rather
general and omnibus in nature. He submits that the petitioner has
been made accused in the present case only on the basis of Call



Detail Reports (C.D.R.) of the informant's sister and the petitioner, who has spoken to each other multiple times before the day of occurrence, but the same is quite natural as the informant's sister and the petitioner are close relative. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in the present case and the daughter of the deceased disclosed the fact that the petitioner had called the deceased on 12.08.2023. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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