

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30139 of 2024

Arising Out of PS. Case No.-114 Year-2022 Thana- MAHARAJGANJ District- Siwan

Shame Re @ Shame Raza S/o Sheikh Dilsher R/o Village- Khanpura, P.S.-
Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2024 Heard Mr.Rajiv Kumar, learned counsel for the
petitioner, learned counsel for the informant and Mr.Pramod
Kumar Pandey, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
05.01.2024 in connection with Maharajganj P.S. Case No. 114
of 2022, F.I.R. dated 19.04.2022 registered for the offence
punishable under Sections 302/34 of IPC.

3. The informant alleges that his younger brother
(deceased) was married to Afreen Khatoon, the daughter of the
petitioner, it is next alleged that his brother was running an
electronic shop near his matrimonial home and his wife used to
reside with her parents, it is next alleged that wife was having
an extra marital relationship with other persons and his brother
opposed the conduct of his wife on several occasions, he was



assaulted by the family members of his wife, it is next submitted that on 18.04.2022, the wife of his younger brother came to the shop and took him to her place where the accused persons including the petitioner assaulted him badly and thereafter threw his dead body 300 meters away from the house.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the informant is not an eye witness of the alleged occurrence and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and co-accused person, namely, Md. Zeyaul Haque @ Zeyaul Haque, against whom the similar allegation, has been granted bail by this Court vide order dated 24.06.2023 passed in Cr. Misc. Nos. 9123 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.01.2024.

5. Learned counsel for the informant and learned APP



for the State have opposed the prayer for bail of the petitioner and submits that a number of witnesses have supported the case of the prosecution.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and several co-accused persons have been granted bail by a Coordinate Bench of this Court or this Court, 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 A.C.J.M.-Ist, Siwan in connection with Maharajganj P.S. Case No. 114 of 2022, with the following conditions:-

(I) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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