

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82995 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- LAUKAHI District- Madhubani

MD.SAMEER @ MD.SAMIR SON OF MD. TAHIR RESIDENT OF
VILLAGE- SANPATHA, PS- LAUKAHI, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Laukahi P.S. Case No. 26 of 2022 registered on 29.01.2022
lodged under Sections 304B,302/34 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against three named accused persons including the present
petitioner against whom there is an allegation that he has killed
the informant's daughter with whom his marriage was
solemnized near about 10 years back.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner
is in custody since 30.01.2022 having no criminal case pending
against him. He further submits that there is general and



omnibus allegation against the petitioner. Marriage of the petitioner was solemnized seven years back therefore Section 304B shall not be attracted. Charge has already framed in this case.

5. Learned counsel for the State opposes the prayer for bail and submits that petitioner is the husband of the deceased. From case diary it transpires that the deceased left behind two kids therefore no useful purpose shall be served keeping the petitioner in jail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 26 of 2022, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear physically on each and



every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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