

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1492 of 2024

Arising Out of PS. Case No.-214 Year-2023 Thana- BAISI District- Purnia

Shamsherul Kadri @ Md. Shamshir Alam Son of Tajamul @ Paitu Darzi @
Tajemul Resident of Village-Badtoli Chanki Janta, PS-Baisi, District-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisu Zoha, Advocate
For the Informant	:	Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner; learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Baisi P.S. Case No. 214 of 2023 dated 22.05.2023, instituted
under Section 302/34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that the
informant received telephonic information that his daughter has
been killed by her husband, including the petitioners, who are
sisters-in-law and parents-in-law of the deceased.

4. The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. It is further submitted that case diary has been called for



and in Paragraph No. 52 of the case diary, which contains the postmortem report of the deceased, namely, Sama Praveen, it has come that no external injury was found on the body of the deceased, neck, face & Limb. The doctor opined that the cause of death could not be ascertained and therefore the viscera was preserved and handed over to police for forensic examination. FSL report is available on record which reveals that no metallic, alkaloidal, glycosidal, pesticidal and volatile poison could be detected in the contents of plastic jar. It is further stated that petitioner is the only caretaker of two minor children. It is further submitted that similarly situated persons namely Zakir Hussain@ Zakir has been granted bail vide order dated 12.03.2024 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 8542 of 2024 and Saghufta, Sabetun, Sanjari and Tajamul have been granted bail vide order dated 13.12.2023 passed by this Court in Criminal Miscellaneous No. 61777 of 2023. The petitioner has no criminal antecedent.

5. Learned APP and learned counsel for the informant vehemently opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Baisi P.S. Case No. 214 of 2023 dated 22.05.2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Khatim Reza, J)

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