

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37319 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- SIMRI District- Darbhanga

Md. Jabeer Ali S/O Md. Ali R/O Village- Shobhan, P.S- Simri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Simri P.S. Case No. 85 of 2024 for the offence under Sections 304(B) and 34 of the Indian Penal Code, lodged on 26.04.2024 by the informant, Mahfooz Alam.

3. As per the prosecution story, the informant alleged that his sister was married to Md. Shakil but was always tortured for Rs.5 Lakhs and a motorcycle and on the fateful day came to know about her death. This led to the F.I.R.

4. Learned counsel for the petitioner has taken this Court to the learned Sessions Judge order to show that the strangulation theory has been discarded in the postmortem report inasmuch as the doctor who conducted the postmortem observed that it is a death due to asphyxia as a result of hanging.



He submits that in any case, the petitioner is a neighbour, no role to play in the matter and only to implicate, demand of Rs.5 Lakhs has been made, he is 74 years old having no criminal antecedent.

5. Learned APP Mr. Bharat Bhushan opposes the prayer for bail submitting that he was also one of them who demanded Rs.5 Lakhs.

6. Taking into account the aforesaid facts as also that the death has been recorded as asphyxia due to hanging as per the observation of learned Sessions Judge, the petitioner is a neighbour, aged 74 years having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga, in connection with Simri P.S. Case No. 85 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear 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/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

(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 bail bonds.

(Rajiv Roy, J)

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