

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83077 of 2024

Arising out of PS. Case No.-211 Year-2024 Thana- NAANPUR District- Sitamarhi

Md. Samse Alam @ Shamsheer Alam Son of Late Md. Ajimuddin Resident of
Village - Nanpur Uttari, Ward No. 2, P.S. - Nanpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Informant : Md. Shamimul Hoda, Advocate
Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

8 27-06-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prose-
cutor for the state.

2. The petitioner seeks bail in a case instituted for the
offences under Section 304B/34 of the Indian Penal Code. He
has no criminal antecedent.

3. The prosecution case is to the effect that one Anjum
Ara, wife of Md. Akram got her *fardbeyan* recorded in the City
Hospital, Darbhanga stating therein that her husband and his
two brothers were demanding dowry persistently to the tune of
Rs. 4,00,000/- in spite of getting Rs. 1,50,000/- as dowry and on
non-fulfilment of the same her husband poisoned her due to
which she died in the City Hospital at Darbhanga, therefore, the



present First Information has been lodged.

4. It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case. It is further submitted by learned counsel for the petitioner that sister-in-law (Nanad) of the informant has committed suicide out of depression as she was in love with another person. It is also submitted by learned counsel for the petitioner that the deceased was taken to the hospital and during course of treatment she died and there is no external injury found on the body of the deceased. It is next submitted by learned counsel for the petitioner that the medical bill of the deceased during treatment was paid by the petitioner and the deceased was taken to the hospital by her in-laws. It is lastly submitted that the petitioner has no criminal antecedent and is in custody since 07.05.2024.

5. Learned Additional Public Prosecutor for the State as well as learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner and have submitted that the petitioner has tortured the deceased on account of non-fulfilment of demand of dowry of Rs. 4,00,000/- in spite of getting Rs. 1,50,000/- dowry, therefore, she was compelled to consume poison as such the petitioner should not be released on



bail.

6. Considering the aforesaid submissions of learned counsels and taking into account the fact that the sister-in-law (Nanad) of the informant died during the course of treatment in the hospital and the petitioner is in custody since 07.05.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate/Court concerned, Pupri at Sitamarhi in connection with Nanpur P.S. Case No. 211 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) 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 the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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