

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21610 of 2015

Arising Out of PS.Case No. -277 Year- 2014 Thana -SITAMARHI District- SITAMARHI

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1. Khushmuda Khatoon, W/o Akhtar Kalia, Resident of Village- Mehsaul
Got, P.S. & District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Smt. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 07-09-2015

Heard both sides.

The petitioner seeks bail in a case registered for
the offences punishable under sections 302, 307 and other allied
sections of the Indian Penal Code.

Sajra Khatoon, daughter of the deceased named
four persons, namely, Md. Noor Islam, Md. Akhtar, Khushmuda
Khatoon (petitioner) and Anisha Khatoon and alleged that they all
entered into her house, assaulted with fists and slaps and iron rod.
Noor Islam assaulted her with garassa which hit on her neck.
When her father Md. Mirza Ghalib came to save, all the accused
persons assaulted him and her father got head injuries. He became
un-conscious and thereafter succumbed to the injuries.

Learned counsel for the petitioner submits that no

specific allegation of assault is made against the petitioner, on the other hand the informant alleged specifically that the petitioner and another lady Anisha snatched her ornaments.

On the other hand Mr. Ashar Mustafa, learned counsel for the informant as well as learned Additional Public Prosecutor submitted that multiple head injury was found which shows that all the four accused persons assaulted the deceased. Prayer for bail of Md. Noor Islam and Md. Akhtar has already been rejected vide order passed in Criminal Misc. No. 40808 of 2014. The case of the petitioner stands on the same footing.

On perusal of the record, it appears that the informant made allegation of assault against Noor Islam that he assaulted her with garassa but no specific allegation of assault is made against the petitioner, who happens to be a lady. When her father came to save, all the accused persons are alleged to have assaulted him on his head. The informant did not even allege that the petitioner was armed with any weapon. From the post mortem report it appears that the injuries were found on the head of the deceased.

Considering the facts aforesaid and the fact that the informant did not make any specific allegation against the petitioner and the petitioner is a lady and is in custody for more

than nine months, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 277 of 2014.

(Prabhat Kumar Jha, J)

Amin/-

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