

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6219 of 2015

Arising Out of PS.Case No. -42 Year- 2014 Thana -TEDHAGACHH District- KISANGANJ

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Halima Khatoon Wife of Ziaur @ Zabul resident of village - Fulwaria, P.S.
Terhagachh, Distt. Kishanganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Adv

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 09-07-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-341, 323, 504, 302 and 34 of the Indian Penal Code, this Court, taking into account that the prosecution case as introduced by the informant of his son being assaulted by Lathi and ultimately his being allegedly found dead on account of such assault does not at least get support from the Post Mortem Report in which it seems to be a case of hanging and also keeping in mind that there is no allegation against the petitioner

to have tied the rope in neck or to have hanged him as well as the sole petitioner has also got no criminal antecedent, would find him entitled for privilege of anticipatory bail.

That being so, if the petitioner namely, **Halima Khatoon**, surrenders within a period of four weeks from today, she would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **A.C.J.M. Kishanganj** in connection with **Terhagachh P.S. Case No. 42 of 2014 (G.R. No. 962 of 2014)**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that she is accused in any other criminal case, she shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner who will give an affidavit

giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that she will receive the police papers on the given date and be present on the date fixed for charge and if she fails to do so on two given dates and delays the trial in any manner, her bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if she fails to do so on two consecutive dates, her bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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