

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31820 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -SIDHWARA District- DARBHANGA

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1. Najo Khatoon W/o Nazir Khan R/o- Village- Rampura Mirzapur Jagni,
P.S.-Singhwara, District-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Singhwara P.S.
Case No. 104 of 2016, G.R. No. 2072 of 2016 for offences
punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his niece had gone to the house of his sister Nusrat
Jahan to give her meal at 9.00 P.M., who was the divorced
daughter-in-law of the petitioner, there was some quarrel and
when the niece came to rescue her aunt she was beaten by means
of bricks by the petitioner and Md. Rijwan, who later on
succumbed to the injuries.

It has been submitted by the learned counsel for the



petitioner that she is innocent, is the mother-in-law of the divorced daughter-in-law Nusrat Jahan and many cases have been filed either by the daughter-in-law or her brother relating to matrimonial dispute and ultimately she was divorced by her son but because of panchayati she was staying in the matrimonial house. The petitioner was living at a nearby house. No such occurrence happened as during investigation it came to light that the said Md. Rijwan was not at the place of occurrence rather was out of station. He further submits that although the petitioner and the informant are residing nearby and the police station is only one kilometer away, but the First Information Report has been lodged after 13½ hours and no plausible explanation has been given. He submits that the petitioner is an old lady of about 60 years and is languishing in judicial custody since 29.03.2017. It is submitted that even the post mortem report only specifies swelling and the exact cause of death is not ascertainable. It is further submitted that the blow by bricks would not come under Section 302 of the Indian Penal Code, rather comes under Section 325 of the Indian Penal Code.

However, learned counsel appearing for the informant and learned APP for the State vehemently oppose the prayer for bail stating therein that the daughter-in-law has also in her



statement made allegation against the petitioner and one Md. Rijwan and that the post mortem report also specifies blood clots and the injury on the skull although post mortem report specifies swelling on the temporal region.

Considering the facts and circumstances and the materials on record and that the petitioner is an old lady, let petitioner, above named, 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 learned Chief Judicial Magistrate, Darbhanga, in connection with Singhwara P.S. Case No. 104 of 2016, G.R. No. 2072 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of her bail bonds.

It is directed that the trial be concluded expeditiously within a period of one year.

(Nilu Agrawal, J)

Rajesh/-

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