

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48524 of 2017

Arising Out of PS.Case No. -206 Year- 2016 Thana -KHAJAUJI District- MADHUBANI

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1. Afasana Khatoon Wife of Md. Zaffar,
2. Nargis Khatoon Wife of Md. Shakil @ Bechan, Both Resident of
Village-Bhakua, P.S.-Khajauli, District-Madhubani. Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-10-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in judicial custody since
06.11.2017 in connection with Khajauli P.S. Case No. 206 of 2016
G.R. No. 2270 of 2016 for offences punishable under Section
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he had gone to school for teaching, his son Kunal had
taken out his tractor for carrying soil, the petitioners along with
four accused persons, named in the F.I.R., stopped his tractor at
their door and the petitioners along with four other accused started
assaulting the informant's son, thereafter, one Md. Zaffar took out
pistol from his waist and fired upon his son, resultantly he
succumbed to the injuries.

It has been submitted by the learned counsel for the



petitioners that petitioner no. 1 is the wife of Md. Zaffar and petitioner no. 2 is daughter-in-law of Md. Zaffar and only allegation against them is of assaulting by slaps to the deceased. He submits that they bear no criminal history and just because petitioners are close family members of the said Md. Zaffar, they have been made accused and are languishing in judicial custody for more than 11 months. Charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioners.

However, learned counsel for the informant as well as learned APP for the State opposes the prayer for bail stating therein that the petitioners are also involved in assaulting the informant's deceased son.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IIIrd, Madhubani, in connection with Khajauli P.S. Case No. 206 of 2016 G.R. No. 2270 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioners and that petitioners 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 their bail bonds.

The trial court is directed to expedite the trial.

(Nilu Agrawal, J)

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