

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58834 of 2018

Arising Out of PS. Case No.-81 Year-2014 Thana- POTHYA District- Kishanganj

Nasima Khatun @ Nasima

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-09-2018

Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of anticipatory bail in a case registered for the offence punishable under Sections 341,323,307,504/34, 302 and 420 of the IPC.

Earlier application of the petitioner for anticipatory bail preferred vide Cr. Misc. No. 38244 of 2015 was permitted to be withdrawn vide order dated 23.9.2015, as contained in Annexure 1.

The accusation, as per the written report of one Kalimuddin, the informant, is to the effect that he was being tortured by his son Md. Hanif and daughter-in-law Naseema Khatoon, the petitioner. Both are alleged to have assaulted



the informant and when the wife of the informant came to his rescue, she was also assaulted. Subsequently, the informant succumbed to the injury.

It is submitted by learned counsel for the petitioner that the earlier application of the petitioner was withdrawn against her instructions. It is further submitted that the husband of the petitioner has been acquitted vide judgment dated 10.1.2018 passed by the learned Sessions Judge, Kishanganj in S.Tr. No. 50 of 2017, as contained in Annexure 3. The accusation of assault is not specific against the petitioner.

Considering the nature of accusation, the fact that the case was registered in 2014, moreover, the earlier application for anticipatory bail was permitted to be withdrawn in 2015 whereas the present application has been registered on 18.9.2018, this Court is not inclined to interfere. This application is, accordingly, dismissed.

However, keeping in view the fact that the petitioner is a lady and the husband of the petitioner having similar accusation has been acquitted, it is a case for consideration of the prayer of the petitioner for regular bail



in case the petitioner surrenders within a period of four weeks in connection with Pothia P.S. Case No. 81 of 2014 pending in the Court of the learned SDJM, Kishanganj.

(Dinesh Kumar Singh, J)

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