

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7096 of 2019

Arising Out of PS. Case No.-139 Year-2018 Thana- PAKRIDAYAL District-
East Champaran

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Saira Khatoon aged 50 years, Female, Wife of Md. Mustafa Alam Resident
of Village- Pakaridayal, P.S. Pakaridayal, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 07-02-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the
offences alleged under Sections 363, 365, 366-A/34 of the Indian
Penal Code registered in connection with Pakaridyal P.S. Case No.
139 of 2018.

3. It is submitted that the petitioner has been falsely
implicated on mere suspicion with general and omnibus
accusation and no overt act has been alleged against the
petitioner, who has been implicated merely because she happens
to be the mother of Sarfaraj Alam with whom the so-called victim
girl used to talk on phone. Similarly situated co-accused Zahida
Khatoon @ Khahida Khatoon @ Sahida Khatoon and Sabnam
Khatoon @ Shamnam Khatoon have been granted anticipatory
bail by this Court in Cr. Misc. No. 60404 of 2018. The petitioner
claims clean antecedents.

4. Be that as it may, in the event of the petitioner's
arrest or surrender before the court below within six weeks from



the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, East Champaran at Motihari in connection with Pakaridyal P.S. Case No. 139 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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