

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30149 of 2019**

Arising Out of PS. Case No.-29 Year-2019 Thana- GAMAHARIYA District-
Madhepura

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FATMA KHATOON, aged about 40 years, female, W/o Md. Lurki Mian R/o
village- Jogbani, Tola- Baluha Ward No. 04, P.S.- Gamhariya, District-
Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 02-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 304(B)/34 of the Indian Penal Code registered in connection with Gamhariya P.S. Case No. 29 of 2019.

3. It is submitted that the petitioner has been falsely implicated merely because she happens to be the mother-in-law of the deceased. It is submitted that the petitioner has been living separately from the deceased and her husband and had no concern with day to day matters. The accusations against the petitioner are general and omnibus in nature and no specific overt act has been attributed to her. The petitioner is a lady claiming clean antecedents.

4. Learned APP submits on the basis of case diary containing the post mortem report that no external injury has been found on the body of the deceased. It further appears in



paragraph-48 of the case diary that the husband of the deceased is in custody.

5. 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 Additional Chief Judicial Magistrate, Madhepura in connection with Gamhariya P.S. Case No. 29 of 2019, 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) That 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) That the petitioner shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present, 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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