

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.865 of 2020

Arising Out of PS. Case No.-993 Year-2019 Thana- SAHARSA District- Saharsa

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Firoja Khatun, aged about 48 years, Female, Wife of Md. Ibrahim Gardi @
Md. Ibrahim, Resident of Village - Bherdhari, P.S.- Saharsa, Distt. - Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Uday Chand Prasad, Adv.

For the Respondent/s : Ms. Usha Kumari-1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-06-2020 Heard Mr. Uday Chand Prasad, learned counsel

for the petitioner and Ms. Usha Kumari-1, learned APP for

the State.

This appeal is directed against the order dated

11.02.2020 passed by the learned 3rd Additional Sessions

Judge-Cum-Special Judge, Saharsa in connection with

Special Case No. 307 of 2019 arising out of Saharsa Sadar

P.S. Case No. 993 of 2019, registered for the offences

under Sections 302 and 34 of the Indian Penal Code,

Section 27 of the Arms Act and Section 3(i)(r)(v)(s) of the

Scheduled Castes & Scheduled Tribes (Prevention of

Atrocities) Act, 1989, whereby the prayer for grant of bail of



the appellant has been rejected.

The appellant is alleged to have conspired to kill the deceased who is the wife of the informant. As the story goes, the wife of the informant used to work in the house of the husband of the appellant and the appellant suspected that her husband was developing intimacy with the wife of the informant. She had, therefore, in the past, instructed her not to report for work at the house of her husband. Later, on the insistence of the husband of the appellant, the deceased again started going to the house of husband of the appellant for work. On the day of the occurrence, at the instance of the appellant, it has been alleged that one Md. Aftab and two other persons killed the deceased.

It has been submitted on behalf of the appellant that she has been named in the case only on the basis of suspicion. There is no eye-witness to the occurrence and the persons who have deposed during the course of investigation have only stated that Md. Aftab and two other unknown persons had killed the deceased.

The appellant is stated to be in custody since



10.11.2019.

Regard being had to the nature of accusation which is based on suspicion because of some background facts and the period of custody of the appellant, the impugned order is set-aside.

The appellant/Firoja Khatun is directed to be released on bail on her furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-Cum-Special Judge, Saharsa in connection with Special Case No. 307 of 2019 arising out of Saharsa Sadar P.S. Case No. 993 of 2019.

The appeal stands allowed.

The appellant, however, shall participate in the trial and her unauthorized absence from the trial proceedings for two consecutive occasions would render the bail granted to her liable for cancellation.

(Ashutosh Kumar, J)

Praveen-II/-

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