

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 19018 of 2020

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Bibi Sabina Khatoon, female, aged about 38 years, Wife of Md. Nazamuddin, R/o
Manjheli, P.S.-Sadar (Mufassil), District-Purnea.

.....Petitioner/s

Versus

The State of Bihar

.....Opposite Party/s

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Appearance:

For the Petitioner/s : Md. Fazle Karim, Adv.

For the State : Mr. Ram Priya Sharan Singh, APP

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CORAM : HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02/- 21-07-2020

Heard Md. Fazle Karim, learned counsel for the petitioner and
Mr. Ram Priya Sharan Singh, learned APP for the State.



The petitioner seeks bail in anticipation of her arrest in connection with Sadar (Mufassil) P.S. Case No. 250 of 2005 instituted for the offences under Sections 341, 323, 448, 302 and 120B/34 of the Indian Penal Code.

It appears that the case is of the year 2005, but the police, after investigation, did not submit charge-sheet against the petitioner; rather final report false was submitted. This was done in the year 2008. However, the learned Chief Judicial Magistrate, Purnea, after differing with the police report, took cognizance against the petitioner on 10.09.2008. The aforesaid order of the learned Chief Judicial Magistrate was challenged before the concerned learned Sessions Judge *vide* Cr. Revision No. 459 of 2008 in which an order was passed staying further the proceeding with respect to the petitioner. The criminal revision, referred to above, was dismissed only on 23.05.2019.

Learned counsel for the petitioner has drawn the attention of this Court to two other facts, *viz.*, that one of the co-accused/Md. Jamil has been granted anticipatory bail by a Bench of this Court *vide* order dated 17.10.2019 passed in Cr. Misc. No. 61243 of 2019 and



one of the accused persons of this case, who faced the trial, has been acquitted for paucity of evidence.

Considering the facts afore-stated, the petitioner above-named, in the event of her arrest/surrender before the Court below within a period of six weeks from today, is directed to be released on bail on his 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 learned Chief Judicial Magistrate, Purnea in connection Sadar (Mufassil) P.S. Case No. 250 of 2005, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also subject to following conditions:-

(i) That one of the bailers 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 remain physically present in Court on each and every date during the trial and in the event of failure on two consecutive dates without sufficient reasons, her bail bond shall be liable to be cancelled by the learned Court below.

The application stands allowed.

(Ashutosh Kumar, J.)

Praveen-II/-

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