

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.26192 of 2020**

Arising Out of PS. Case No.-746 Year-2019 Thana- SAHARSA District- Saharsa

=====

FIROJA KHATUN W/o Md. Ibrahim Gardi @ Md. Ibrahim Resident of  
Village- Bherdhari, P.S.- Saharsa, Distt- Saharsa.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

**Appearance :**

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

For the Opposite Party/s : Mr.Pancha Nand Pandit, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      12-10-2020              Learned counsel for the petitioner undertakes to remove  
all the defects pointed out by Stamp Reporter within three weeks  
after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in  
connection with Saharsa Sadar P.S. No. 746 of 2019 registered for  
the offences punishable under Sections 307, 34 of the Indian Penal  
Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that from the  
First Information Report it will appear that initially the case was  
registered against unknown. The informant has stated in her  
fardbeyan that while she was returning home after doing her work  
and reached on the kachi sadak near Idgah, she heard a voice and  
thereafter felt severe pain on the right side of her back, she fell down.



She saw two persons aged about 25 years out of whom one was having a small gun in his hand were fleeing away. She realised that she had been shot at by them. Immediately a large number of local persons assembled there and she was brought to Sadar Hospital where her treatment was being done. She read her statement in presence of her mother-in-law and Md. Ibrahim Gardi (Godown Owner).

Learned counsel submits that this petitioner is the wife of said Md. Ibrahim Gardi and she has been involved in this case on the ground that in course of investigation the mobile call details and location of her husband and his brother Md. Aftab Alam have been found suspicious.

Learned counsel submits that from the FIR itself it would appear that the victim had seen two persons fleeing away who were aged about 25 years. So far as this petitioner is concerned, she is a female aged about 48 years and is lying in custody since 04.01.2020. According to him, the petitioner has been falsely implicated in this case.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case as noted hereinabove and that the petitioner is in jail for about more than nine months, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 746 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

This application is allowed.

**(Rajeev Ranjan Prasad, J)**

SUSHMA2/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

