

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32626 of 2020**

Arising Out of PS. Case No.-366 Year-2015 Thana- VAISHALI District- Vaishali

MARIYAM KHATOON Wife of Md. Shoyeb @ Md. Suaib Resident of
Village - Gaddopur Mathiya, P.S.- Paroo, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

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

2 09-12-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Sucheta Yadav, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Vaishali P.S. Case No. 366 of 2015 registered for the offences punishable under Sections 363, 364, 365, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the name of the petitioner has been brought in this case on mere suspicion and the investigation against the petitioner was kept pending for almost 5 years which fact would be evident from the impugned order dated 27.08.2020 passed in B.P. No. 1119 of 2020 wherein the Sessions Judge, Vaishali while rejecting the prayer for bail of the petitioner



has recorded that the investigation against the petitioner was still pending and an observation was granted that the petitioner may renew her prayer for bail after submission of chargesheet.

Learned counsel submits that the co-accused Amina Khatoon has already been granted bail earlier vide order dated 30.08.2016 in Cri. Misc. No. 27018 of 2016. It is then submitted that the investigation against the petitioner is complete and chargesheet has already been filed. She is in custody in connection with this case for more than 5 months.

Ms. Sucheta Yadav, 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, wherein the co-accused has already been granted bail by a learned Co-ordinate Bench of this Court and the investigation against the petitioner was kept pending for about 5 years and now chargesheet has already been filed and there is no submission on behalf of the State that her release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 366 of 2015, subject to the conditions as laid down under Section 437(3) of the 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 she will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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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'.

