

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34052 of 2020

Arising Out of PS. Case No.-183 Year-2020 Thana- PHULWARISHARIF District- Patna

1. FAHIMA KHATOON WIFE OF AZHAR KHAN . MD. AZHAR KHAN @ KALLU HARAMI Resident of Almizaan Nagar, Nohsa, P.S.- Phulwari Sharif, District- Patna.
2. SHABNAM PERVEEN DAUGHTER OF AZHAR KHAN @ MD. AZHAR IMAM @ KALLU HARAMI Resident of Almizaan Nagar, Nohsa, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jagjit Roshan, Advocate

For the Opposite Party : Mr. Arun Kumar Singhm, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 23-12-2020 Heard Mr. Jagjit Roshan, learned counsel appearing on behalf of the petitioner and Mr. Arun Kumar Singh, learned Additional Public Prosecutor, for the State of Bihar. Investigating Officer has also joined the present proceedings.

This application for grant of regular bail arises out of Phulwari Sharif P.S. Case No. 183 of 2020, registered for the offence punishable under Sections 341, 323, 379, 302, 504/34 of the Indian Penal Code.

As regards petitioner No.2, namely, Shabnam Perveen, her age has been described as 14 years and plea of her juvenility has been taken. Learned counsel for the petitioner agrees that the plea of juvenility was not taken before the Court



below.

Let petitioner No.2, namely, Shabnam Perveen, be produced before the Juvenile Justice Board, Patna, today itself for determination of her age, whereafter the Board shall pass appropriate orders in accordance with the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Rules framed thereunder.

Let this order be communicated to the Superintendent, Central Jail, Beur, Patna, and the Juvenile Justice Board, Patna in course of the day.

This application, to the extent it relates to petitioner No.2, stands disposed of accordingly.

Petitioner No. 1, namely, Fahima Khatoon, is the mother of petitioner No.2. It is alleged in the First Information Report that named accused persons, including these two petitioners, in an ambush, killed the informant's brother. On careful reading of the First Information Report, it appears that the only allegation against this petitioner is of having instigated other accused persons, who were, allegedly, already assaulting the deceased, to kill him. There is no allegation of assault against petitioner No.1.

Considering the nature of allegation against the



petitioners in the First Information Report, this application, to the extent it relates to petitioner No.1, is allowed.

Let petitioner No. 1, namely, Fahima Khatoon, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Patna, in Phulwari Sharif P.S. Case No. 183 of 2020.

The Juvenile Justice Board, Patna, is directed to pass appropriate orders in accordance with law, once petitioner No.2, namely, Shabnam Perveen, is produced before it, expeditiously.

The personal appearance of the Investigating Officer is dispensed with.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be



transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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