

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1575 of 2021

Arising Out of PS. Case No.-280 Year-2020 Thana- KORHA District- Katihar

MAHATARA KHATOON @ MAHAPARA KHATOON WIFE OF LATE
SHAHZAMAL, D/O NAJIR HUSAIN RESIDENT OF VILLAGE -
HARISHPUR, P.S. - KORHA, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-04-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

The prosecution case, in brief, is that petitioner and
one Md. Shabbir are said to have given knife blow to Shajamal
and during the course of treatment Shajamal succumbed to his
injury. Shajamal is the husband of the petitioner. The reason
behind the occurrence is said to be illicit relation between the
petitioner and Md. Shabbir.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. She is quite



innocent and has been falsely implicated in this case by her father-in-law to protect his son who is Devar of the petitioner. No incriminating article has been recovered from her conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the marriage of the petitioner was performed with the deceased in the year 2010 and there are four children from the said wedlock, hence there is no question of killing her husband. The petitioner has no criminal antecedent and has been languishing in custody since 18.06.2020.

Learned APP for the State vehemently opposing the bail petition submitted that there is direct allegation against the petitioner. On the statement of father-in-law of the petitioner, the petitioner was made accused in this case and the said knife has also been recovered, which is mentioned in para-59 of the case diary. The other witnesses have also supported the case of the prosecution.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected at this stage.

(Anjani Kumar Sharan, J)

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