

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9366 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- PURNEA SADAR District- Purnia

1. Gulshan Ara W/o Late Md. Mosim Ali Ansari, R/o Mohalla- Naka Chowk, Puran Devi Road, P.S.- Sadar, District- Purnea
2. Amrin Khatoon @ Amrin Bano D/o Late Md. Mosim Ali Ansari, R/o Mohalla- Naka Chowk, Puran Devi Road, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Md. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Sadar P.S. Case No. 340 of 2021 registered for
the alleged offences under Sections 302/34 of the Indian Penal
Code.

As per the prosecution case, the informant gave a
written report about petitioners and other co-accused persons
instigating his brother and, consequently, the brother of the
informant committed suicide due to abetment by the petitioners



and co-accused persons. The petitioners are the wife and daughter of the deceased, respectively. Later on, it came to the knowledge that the brother of the informant had not committed suicide and it was a case of murder.

The learned counsel for the petitioner submits that the petitioners are innocent and have been falsely implicated in this case. There is no eye witness of the occurrence and no body knows as to how the brother of the informant died. Even if the story brought out in the F.I.R. is taken to be true, the only allegation against the petitioners would be that they abetted the deceased to commit suicide. The petitioners are in custody since 23.07.2021 and charge-sheet has been submitted in this case.

Learned APP vehemently opposes the prayer for bail submitting that after the occurrence the petitioners left their house and the postmortem report shows a number of external injuries and cause of death is stated to be asphyxia secondary to throttling.

Perused the record.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioners are ladies and there appears no substantive material on record against the petitioner and further



considering the period of custody of the petitioners as well as submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Sadar P.S. Case No. 340 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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