

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9397 of 2022

Arising Out of PS. Case No.-244 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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1. Shagupta Parvin @ Sabukta Pravin, Wife of Late Md. Gulzar, Daughter of Late Md. Nabbo @ Late Nabbo @ Naviv Alam Resident of Village - Majharpatti, Ward No. 7, P.S. - Udakishunganj, District - Madhepura.
 2. Kaishar Bano, Wife of Late Md. Nabbo @ Late Nabbo @ Naviv Alam, Resident of Village - Majharpatti, Ward No. 7, P.S. - Udakishunganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Uda Kishunganj P.S. Case No. 244 of 2020, registered for the alleged offence under Sections 302, 120 (B), 34 of the Indian Penal Code.

As per the prosecution case, the petitioners and co-accused persons committed murder of the husband of the



petitioner no.1.

The learned counsel for the petitioners that the petitioners have falsely been implicated in this case. From the FIR, it is clear that there is no eye witness to the alleged occurrence. The son of the informant died due to sudden illness and he was taken to the hospital by an Ambulance. No reason has been given in the FIR for the alleged occurrence. However, during investigation, the family members of the informant stated about illicit relationship of petitioner no.1 with one Md. Ruksar @ Ruksar Alam, who has been granted bail by a Coordinate Bench of this Court vide order dated 04.03.2021 passed in Cr. Misc. No.1678 of 2021. It is also clear from the FIR that except for suspicion, there is nothing against the petitioners either direct or in circumstantial evidence. No independent witness has been examined during the investigation and the statement of only interested witnesses have been recorded. Even the post mortem report does not show any assault or unnatural reason for death. The viscera has been preserved but its report is yet to come from the Lab. The learned counsel further submits that the son of the informant died a natural death. He was taken to the hospital as his situation worsened but due to animosity, the petitioners have been falsely implicated. Earlier the petitioner



no.1 filed a case against the informant and her family members vide Gwalpara P.S. Case No. 150 of 2019. The petitioners are in custody since 08.01.2022 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioners that they have caused the death of the son of the informant who was the husband of the petitioner no.1.

Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of any substantive material against the petitioners and further considering the fact that the petitioners are ladies and are in custody since 08.01.2022 and also considering the grant of bail to the co-accused and the submission of charge sheet, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Uda-Kishunganj, Madhepura, in connection with Uda-Kishunganj P.S. Case No. 244 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

