

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10860 of 2022

Arising Out of PS. Case No.-879 Year-2021 Thana- SAHARSA SADAR District- Saharsa

1. Jamila Khatoon wife of Md. Murshid @ Murshid Alam Resident of Village - Jhitkiya, Ward No. 06, P.S. - Singheshwar, Dist. - Madhepura.
2. Gudia @ Kayenat Wife of Md. Obesh Alam Resident of Village - Jhitkiya, Ward No. 06, P.S. - Singheshwar, Dist. - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Saharsa Sadar P.S. Case No. 879 of 2021 registered for the offence under Sections 341, 323, 324, 302, 120(B), 109 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 21.11.2021.

The allegation against the petitioner no.1, who is the mother of the deceased and petitioner no.2, who is the married



sister of the deceased, is to provoke real brother of the deceased, namely, Md. Nadim @ Gudu to teach a lesson for a dispute which is founded over land partition.

Learned counsel appearing on behalf of the petitioners submitted that the specific allegation, as alleged, is against Md. Nadim @ Gudu, who is not the petitioner before the Court. It has also been submitted that both the petitioners are ladies and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. It has also been submitted that petitioners have no criminal antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that the specific allegation of fatal blow with knife is against the co-accused Md. Nadim @ Gudu.

Considering the facts and circumstances as mentioned above, as the allegation is limited to favour the main accused, namely, Md. Nadim @ Gudu in family land dispute coupled with the fact that both the petitioners are ladies, let the petitioners, above named, are directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 879 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(ii) That one of the bailors shall be Murshid Alam (Deponent), who is the husband of petitioner no.1 and father of petitioner no.2.”

(Chandra Shekhar Jha, J)

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