

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11538 of 2022**

Arising Out of PS. Case No.-206 Year-2021 Thana- LODIPUR District- Bhagalpur

Sabrin @ Bibi Sabrin W/o Md. Faiyaz R/o village- Ustu, P.S.- Lodipur,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 16-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with Lodipur
P.S. Case No. 206 of 2021 registered for the offence under
Sections 365, 307 and 120(B) of the Indian Penal Code, but
later on Section 302 of the Indian Penal Code has been added.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.10.2021.

The allegation against the petitioner is to commit
murder of her son (deceased), alongwith other co-accused
persons.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is none but the mother of the deceased. It is submitted that informant is not the eye witness of the occurrence and furthermore, nothing surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence. It is also pointed out that Call Details Report (CDR), as mentioned in para paragraph no.38 of the case diary, reveals that petitioner not found in conversation with the main accused, on date of occurrence, negating the allegation of conspiracy. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that name of the petitioner surfaced on the basis of disclosure made by co-accused, namely, Md. Wazir and also conceded that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where nothing surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence coupled with the fact that chargesheet has



already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Lodipur P.S. Case No. 206 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Bhagalpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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