

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12359 of 2022

Arising Out of PS. Case No.-483 Year-2019 Thana- BIHPUR District- Bhagalpur

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MUMTAZ BEGUM, W/o- Md. Islam Resident of At- Bihpur Raien Tola,
Ward No. 12, P.S. Bihpur, District - Bhagalpur (Naugachia)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh

For the Opposite Party/s : Ms. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Bihpur
P.S. Case No. 483 of 2019, registered for the offences
punishable under Sections 302, 323 and 34 of Indian Penal
Code.

The prosecution story in brief is that *Devar* of the
informant, namely, Md. Tauhid came to her house and took



her son Md. Arman along with himself to play. After some time, Tauhid informed her that her son has become unconscious. Thereafter, the informant took her son to the hospital, where the doctor declared him dead. It has further been alleged that to grab the property of the informant, her *Devar*, Md. Tauhid killed her son.

The petitioner is the mother-in-law of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He also submits that the main allegation is against co-accused, namely, Md. Tauhid, the uncle of the deceased. He also submits that the petitioner is the grandmother of the deceased and only allegation against her is that she used to torture the mother of deceased. He further submits that as per the viscera report, aluminum phosphate was detected, which is commercially known as "Celphos" and which is severe gastrointestinal irritant. He further submits that charge-sheet in this case has already been submitted.



The petitioner has been languishing in jail since 10.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the fact that the petitioner is a lady and the main allegation is against one Md. Tauhid, the petitioner, above-named, is directed to be released on bail on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Naugachia, Bhagalpur, in connection with Bihpur P.S. Case No. 483 of 2019 on the following conditions:

(i) The petitioner will make herself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of her absence or non-cooperation. She must be available to the police or the court whenever her presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing her and getting satisfied that the petitioner has concealed her criminal antecedent despite her knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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