

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12538 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

Zeba @ Zeba Khan, W/O Md. Imtiyaz, Resident Of Mohalla- Hussainabad
Mogalpura, P.S. - Babarganj, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishan Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned senior counsel for the petitioner and Mr. Md. Mushtaque Alam, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Mojahidpur (Babarganj) P.S. Case No. 193 of 2021 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and under Section 27 of the Arms Act. She is in custody since 06.12.2021. The petitioner has got no criminal antecedent.

Learned senior counsel for the petitioner submits that as per the prosecution story, the only person who was having firearm in his hand was Md. Inteshar and the specific overt act of firing which hit the daughter of the informant has been alleged against



Md. Inteshar.

Learned senior counsel submits that the petitioner has been falsely implicated in this case, she is in custody since 06.12.2021 and investigation against her is complete, thus, her further incarceration is neither likely to help the investigation nor the prosecution.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions noted hereinabove particularly that there is no allegation of commission of overt act against the petitioner, she is in custody since 06.12.2021 and investigation against her is complete, the petitioner has no criminal antecedent and her presence may also be secured in course of trial and further that there is no submission that release of the petitioner on bail is likely to result in interfering with the course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No. 193 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it



is found that the petitioner has concealed her criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

