

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14136 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- BALRAMPUR District- Katihar

Momina Khatoon, Wife Of Late Khushdil, Resident Of Village- Roshanganj,
P.S.- Balrampur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-07-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in connection with Balrampur P.S. Case No. 199 of 2021 registered for the alleged offences under Sections 307 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the petitioner and other co-accused persons conspired to kill the brother of the informant and during execution of this conspiracy, brother of the informant was shot at in his abdomen.

The learned counsel for the petitioner submits that



there is general and omnibus allegation against the petitioner and other co-accused persons and no specific overt act has been attributed to this petitioner. Causing of injuries to the brother of the informant is not by this petitioner. The brother of the informant was accused in a murder case registered in Balrampur P.S. Case No. 33 of 2019 and he is a person of bad repute. Learned counsel further submits that other co-accused persons have been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. Nos. 22318 of 2022, 14437 of 2022 and 26869 of 2022. Co-accused Noor Sanwar @ Sunny has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No. 9808 of 2022. The learned counsel further submits that considering the medical condition of son of the informant, this petitioner was directed to be released on provisional bail till 13.06.2022 which was later on extended till today. The condition of the son of the petitioner is still serious and he has to be treated in AIIMS, Patna. Charge-sheet has been submitted and the petitioner has been in custody since 24.12.2021 till the grant of provisional bail.

Learned APP opposes the prayer for bail submitting that an attempt was made on the life of the brother of the



informant and the petitioner is one of the conspirators.

Perused the record.

Having regard to the submissions made hereinabove and considering the fact that there is nothing specific against this petitioner for causing the alleged occurrence except that she conspired the other co-accused persons for which there is hardly any evidence, the provisional bail granted to the petitioner vide order dated 13.05.2022 is hereby confirmed, subject to further condition as mentioned under Section 437 (3) of the Code of Criminal Procedure.

(Arun Kumar Jha, J)

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