

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17549 of 2022

Arising Out of PS. Case No.-408 Year-2021 Thana- ISLAMPUR District- Nalanda

Najma Khatoon, wife of Md. Samim Resident of Mohalla - Malah Bigha,
P.S.- Islampur, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Indu Bhushan, Advocate
For the State	:	Mr. Dinesh Singh, APP
For the informant	:	Mr. Anil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner, the State and
the Mr. Anil Kumar Singh, learned counsel for the informant.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Islampur P.S. Case No.408 of 2021 instituted under Section
302/34 of the Indian Penal Code.

As per the allegation in the FIR, the informant has
alleged that her daughter's marriage was solemnized in 2013 but
was regularly tortured by the in-laws. On 09.08.2021, it is
alleged that she got information that her daughter died by
hanging. Accordingly, this FIR was lodged.

The police has investigated the matter and submitted
charge-sheet under Section 306 of the IPC.



Learned counsel for the petitioner submits that for the alleged occurrence, she has been in custody since 04.01.2022 (as stated in para-12 of the bail application) and further by way of supplementary affidavit, he has brought on record the fact that the husband of the deceased namely Md. Sallauddin is also in custody since 30.03.2022 (para-2 of the supplementary affidavit).

Learned counsel for the informant on the other hand submits that even otherwise the role of in-laws in forcing the lady to commit suicide cannot be ignored.

Taking into account the aforesaid facts that the husband is in custody since 30.03.2022, the petitioner herself is in custody since 04.01.2022, charge-sheet stands submitted and ultimately she has to face the Trial, this Court is inclined to grant her privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Islampur P.S. Case No.408 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Hilsa, Nalanda, subject to following conditions:

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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