

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18143 of 2022**

Arising Out of PS. Case No.-107 Year-2021 Thana- BHAIKAVSHTHAN District-
Madhubani

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HADISHA KHATOON Wife of Md. Heera Resident of Village - Kanhauly,
P.S. - Jhanjharpur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 28-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offence under Sections 302 and 201/34 of the Indian Penal Code.

Allegation against the petitioner and other co-accused is that on 14/15.09.2021 in the night with a conspiracy they took away the cousin brother of the informant forcibly in a Scorpio with a common intention and killed him brutally by slitting the throat with sharp weapon and with the intention to



hide the dead body threw in bush by the road side of village-Mehath and on 15.09.2021 petitioner was found suspicious manner and she was handed over the police.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. In fact the petitioner is mother-in-law of the victim and the petitioner has no concern at all with the alleged occurrence. He further submits that the co-accused namely Md. Ujair and Md. Barkat @ Hira have been granted bail vide order dated 29.06.2022 passed in Cr. Misc. No. 11099 of 2022 and co-accused Ekvamul @ Chhotu has also been granted bail vide order dated 30.06.2022 passed in Cr. Misc. No.11439 of 2022 by a co-ordinate Bench of this Hon'ble Court. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 16.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below



where the case is pending in connection with Bhairabsthan P. S.
Case No.107 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 his criminal antecedent, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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