

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20392 of 2022

Arising Out of PS. Case No.-63 Year-2020 Thana- CHAKIA District- East Champaran

Tasrina Khatoon W/o Abdul Gaffar @ Mahammad Gaffar Resident of Village
- Medan, Sirisiya, P.S.- Chakia, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 14-09-2022 The learned counsel for the petitioner is directed to re-move all the defects pointed out by the Stamp Reporter within one month.

Mr. Madhurendra Kumar, learned counsel for the petitioner and Mr. Binod Kumar, learned APP for the State are present.

Petitioner seeks regular bail in connection with Chakia P.S. case no. 63 of 2020 registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code.

As per the allegation, informant's sister, nephew and niece were strangled to death and the FIR was lodged against unknown persons and during the course of investigation most of the witnesses raised suspicion against this petitioner and co-ac-



cused of being involved in the alleged murder of three persons.

The main submissions advanced by Mr. Madhurendra Kumar, learned counsel for the petitioner are that the petitioner is a 51 years old lady having clean antecedent and the FIR was lodged against unknown persons and during the course of investigation the witnesses examined merely raised suspicion only against the petitioner and her son namely Abaidin and no one claimed to have seen this petitioner entering into the house of deceased persons at the relevant time of the commission of the alleged murder and they simply raised suspicion on the ground of some property dispute between the petitioner and the deceased lady namely Rukhsar who happens to be step daughter-in-law of this petitioner. Further submission is that co-accused Jainul Abaidin, who appears to be main accused of this case as per the witnesses who have been examined during the course of investigation, has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 2331 of 2021 and the petitioner's case stand on better footing than him and against the petitioner the investigation has been completed and she has been languishing in jail since 19.1.2022.

Mr. Binod Kumar, learned APP has opposed the prayer for bail but accepted that one co-accused having more se-



rious allegation against him than this petitioner is on bail and also accepted that there is no eye witness of the alleged murder and during the course of investigation the material witnesses of the prosecution raised only suspicion against this petitioner.

Having regard to the facts and circumstances of this case and mainly taking into account the fact that co-accused Jainool Abaidin who happens to be son of this petitioner and according to the witnesses of the prosecution examined during the course of investigation he appears to the main accused of this case has been granted bail by co-ordinate bench of this Court and against the present petitioner, who is a woman, only suspicion has been raised by the said witnesses of the prosecution and against her the investigation has been completed and her case appears to be at initial stage, in the opinion of this Court, a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned Court in connection with Chakia P.S. case No. 63 of 2020 on 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



below and shall remain physically present as directed by the Court below and on her absence on two consecutive dates without sufficient reason, 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against her for cancellation of her bail bond.

(Shailendra Singh, J)

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