

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21098 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- CHAUSA District- Madhepura

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Tapsun Khatun Wife of Md. Nasim Resident of Village - Paina, Ward No.- 15,
P.S.- Chausa, District – Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Dr. Sanjay Kumar Singh, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Chausa P. S. Case No. 175 of 2021



registered for the offences punishable under Sections 364, 120 (B) and 201 of the Indian Penal Code later on, Section 302 of the Indian Penal Code was added.

As per the prosecution case, it is alleged that the son of the informant had love affair with this petitioner, they used to meet each other and also talk on their mobile phones. It is further alleged that on 28.12.2021 at about 03:00 O'clock, the son of the informant went out from his house and did not return. Later on, on 29.12.2021, this petitioner came to the house of the informant and asked about her son and told where he has disappeared.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that the petitioner was in love with the deceased and from the F.I.R., It appears that it is a normal conduct of a person to ask about a person whom she loves. It is further submitted that save and except the suspicion, there is no other material, which shows complicity of the petitioner in causing death of the son of the informant. It is next submitted that this petitioner is a lady and is in custody since 31.12.2021, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that strong suspicion



has been raised against the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation as also the fact that the petitioner is a lady and she is in custody since 31.12.2021, though the investigation of the crime is already completed and the charge-sheet has been submitted and there is no chance of tampering of the evidences and intimidating the witnesses, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Uda-Kishunganj, Madhepura in connection with Chausa P. S. Case No. 175 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, her bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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