

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28207 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- DARBHANGA District- Darbhanga

Rafat Praween W/o Rinku Imam @ Sarmad Imam Resident of Village -
Bajitpur,P.S.- Town, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending her arrest in a case
registered for the offences punishable under Section 304(B) of
the Indian Penal Code.

According to prosecution case, the sister of the
informant was married to co-accused Bashar Imam and after
sometime of the marriage, the husband and other family
members of the deceased used to demand a sum of Rs. 5 lac and
a mobile set and due to non-fulfillment of the same she was
tortured mentally and physically and later on they killed her and



hanged to roof of the house.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. In fact, the petitioner is sister-in-law of the deceased and the petitioner has no concern at all with the family affairs of the deceased. He further submits that there is no eye witness of the alleged occurrence and the father-in-law of the deceased has already been granted bail by the court below itself and the husband of the deceased is in custody.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Court below where the case is pending in connection with Town P.S. Case No. 169 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his 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. 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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