

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39104 of 2022

Arising Out of PS. Case No.-863 Year-2021 Thana- FORBESGANJ District- Araria

Rukhsana Khatoon, W/O Md. Dilshad Ansari Resident Of Village- Pokhar
Basti, Ward No.- 15, P.S.- Forbesganj, District- Araria, Bihar, Pin- 854318

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 341, 323, 324, 506, 504 and 34 of the Indian Penal Code and later on Section 302 of the I.P.C. added.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and the informant alleges that on 26.12.2021, her son Naushad, who is mentally wick, was assaulted by her another son Dilshad. Further, had ousted his wife five years ago. It is next alleged that his wife (petitioner) threatened to register the remaining land in their name or she would be killed.

The learned counsel for the petitioner submits that



petitioner has falsely implicated in the present case. It is next submitted that she is the daughter-in-law of the informant. It is also submitted that there is no specific allegation alleged against her and the allegations are general and omnibus. It is next submitted that the son of the petitioner Naushad died because of epilepsy and the informant thereafter, filed a petition before the Court of learned C.J.M., Araria stating therein that she never instituted the present F.I.R. alleging that the petitioner and her husband were an accused in the case rather she had given an information to the police with regard to the death of her son Naushad.

The learned Additional Public Prosecutor opposes the anticipatory bail application and submits that a mother has instituted a case against her son and daughter-in-law that in itself speak volume about the conduct and character of her son and the petitioner. It is next submitted that petitioner, no doubt, daughter-in-law, but then she along with Dilshad were torturing and tormenting the informant for property as it has been alleged that informant was threatened that either she registers the remaining property in their name or she will be killed. It is also submitted that no doubt, the informant has filed a petition before the learned C.J.M., but then the same appears that she was



coerced into submission for filing the said application as the F.I.R. is dated 28.10.2021 and the said application was filed on 27.01.2022 i.e. after more than three months of the occurrence which further creates doubt with regard to the genuineness of the application rather shows the helplessness of the informant that she had no option but to file the application or else what has been stated in the said application would have been true, then the informant would have immediately rushed on coming to know that her son and daughter-in-law has been falsely implicated.

Considering the submissions made by the learned Additional Public Prosecutor, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, her prayer for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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