

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40597 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- HARSIDHI District- East Champaran

1. Sabina Khatoon Wife of Ramjan Miya Resident of village- Kritpur Shahanagar, P.S- Harsidhi, District- East Champaran
2. Ramjan Miya @ Ramajan Miyan Son of Late Sahabub Miya Resident of village- Kritpur Shahanagar, P.S- Harsidhi, District- East Champaran
3. Shayada Khatoon Daughter of Ramjan Miya Resident of village- Kritpur Shahanagar, P.S- Harsidhi, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41359 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- HARSIDHI District- East Champaran

Shahida Khatoon Daughter of Ramjan Miya Resident of Village - Kritpur Shahanagar, P.S.- Harsidhi, District- East champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40597 of 2022)

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

(In CRIMINAL MISCELLANEOUS No. 41359 of 2022)

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the



office, be removed within four weeks.

The case is registered under sections 302, and 201 of the Indian Penal Code, in connection with Harsidhi P.S. Case No. 1125 of 2022.

As per the prosecution story, the informant, 'Chowkidar' came to know about the dead body hanging from a tree. Accordingly, the police was informed. The dead body was brought down and the FIR was lodged against unknown.

Subsequently, during the course of investigation it came to the notice that the petitioner Shayada Khatoon was in love with the deceased and on the fateful day when he was visiting the lady, it is alleged that the family members including her father (petitioner no.2 in Cr. Misc. No. 40597 of 2022) pressed his neck causing his death. The said fact has come in the order sheet of the learned Sessions Judge.

Taking into account the period of incarceration of the three ladies i.e. the petitioner nos. 1 and 3 (In Cr. Misc. No. 40597 of 2022) namely Sabina Khatoon and Shayada Khatoon and the petitioner Shahida Khatoon in Cr. Misc. No. 41359 of 2022 as also the fact that charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail.

Let the aforesaid three named ladies-petitioners be



released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Harsidhi P.S. Case No. 125 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

So far as the petitioner no.2 Ramjan Miya @ Ramajan Miyan is concerned, considering the fact that has incorporated in the observation of the learned Sessions Judge in which his



role has also come up in the alleged killing of the of the deceased, this Court for the present is not inclined to grant him the privilege of bail which is accordingly rejected.

(Rajiv Roy, J)

Ravi/Ajay Singh

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