

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52126 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- BAKHTIARPUR District- Saharsa

Nahid Akhtar @ Nahid Akhatar D/O Abdul Kudus, W/O Md. Arshad Alam
Resident of Masjid, Ward No. 01, Ghordaur, P.S.- Salkhua, District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate

Mr.Nilesh Sinha, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-04-2022 Heard counsel for the parties.

The petitioner is an accused in connection with Simri Bakhtiyarpur P.S. Case No. 239 of 2020 registered under sections 328, 341, 323, 304(B) of the Indian Penal Code lodged on 28.7.2020.

Allegation against the petitioner in the FIR is that accused persons subjected the deceased to cruelty for dowry. On the fateful day they assaulted her and dragged her in a room, bolted it from inside. It is further alleged that they forced the deceased to consume poison. The daughter and son of the deceased have supported the prosecution case.

Learned counsel for the petitioner submits that after investigation, the police has submitted charge-sheet under



sections 302, 120(B), 506, 323, 341 and 147 of the Indian Penal Code in view of the fact that marriage was solemnized 17 years ago. The learned counsel for the petitioner further has brought on record the order passed by one of the bench of the this Court in Cr. Misc. No. 57726 of 2021 dated 20.1.2022 by which the two petitioners, who are mother-in-law and sister-in-law have been granted the privilege of bail subject to certain condition. She as such submits that the petitioner herein also being one of the sister-in-law and is now married to a different family, she be enlarged on bail.

It has further been submitted by the learned counsel with the support of para-25 of the bail application that the petitioner surrendered on 17.2.2021 and since then she is in custody. She lastly submits that the husband of the deceased is already in jail. The copy of bail order produced by the learned counsel for the petitioner is kept on record.

The learned APP has gone through the order passed by a bench of this Court and has accepted that the petitioners of Cr. Misc. 57726 of 2021 and the petitioner herein are similarly situated.

In view of the aforesaid facts, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Bakhtiyarpur P.S. Case No. 239 of 2020 subject to the following conditions:

(i) the petitioner will cooperate in the trial and will appear on each and every date and failure to do so for two consecutive dates without any cogent reason; the learned trial court will take steps for cancellation of her bail bonds;

(ii) the petitioner in no way shall promise, induce or threaten to any of the witnesses.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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