

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44047 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- PUWAKHALI District- Kishanganj

Samima Khatoon Wife Of Jamaluddin R/O Village- Bankbasti Dumaria, P.S.-
Powakhali, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Powakhali P.S. Case No. 14 of 2022 registered
for the alleged offences under Sections 302, 201, 120(B) and 34
of the Indian Penal Code.

As per prosecution case, the son of the informant
went out in the night to attend the call of nature but did not
return. In the morning, the informant received an information
that a person was found hanging in the house of co-accused
Jamaluddin and when the informant reached there, he found the



dead body of his son and showed his suspicion that the petitioner and other co-accused persons killed his son and hanged his dead body.

Learned counsel for the petitioner submits that petitioner is a lady and she has been falsely implicated in this case and she has not committed any offence whatsoever. From the perusal of the F.I.R. it is clear that only suspicion has been raised by the informant that the F.I.R. named co-accused persons have committed the crime. The petitioner has been made accused merely on suspicion. Nothing has come on record to show that the petitioner participated in commission of the offence in any manner. There is no eye witness to the occurrence. No external injury mark has been found during post mortem and the doctor has found that the deceased died due to asphyxia and shock as a result of hanging. Charge sheet has been submitted in this case and the petitioner is in custody since 14.03.2022. The husband of the petitioner is already in custody.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is a lady and further considering the lack



of substantive material to connect the petitioner with the offence as alleged, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Powakhali P.S. Case No. 14 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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