

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62194 of 2021**

Arising Out of PS. Case No.-61 Year-2021 Thana- DANDKHORA District- Katihar

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HEENA KHATOON @ HEENA PARWEEN W/o- Md. Anwar Resident of
Village- Kandharpaili, P.S.- Dandkhora, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.A.G.

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 01-04-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Ms. Anita Kumari Singh, as also the learned counsel for the informant, Sri Jibendra Mishra.

The petitioner seeks regular bail in connection with Dandkhora P.S. Case No. 61/2021, registered for the offence punishable under Sections 341, 324, 448, 323, 354, 302 and



504/34 of the Indian Penal Code.

The allegation is regarding an altercation having taken place in between the parties, whereafter the accused persons including the petitioner herein are stated to have arrived at the house of the informant and engaged in assaulting the informant and his family members. It is also alleged that all the accused persons had assaulted the father of the informant resulting in his death on the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case, she is having a clean antecedent and she is languishing in custody since 13.8.2021. The learned counsel for the petitioner has further submitted that the petitioner is a lady and it cannot be visualized that she had engaged in any sort of overt act inasmuch as firstly, no such specific allegation has been levelled against her and secondly, the petitioner was having a seven months old child in her lap as on the date of



incident i.e. on 12.8.2021. In this connection, the Ld. counsel for the petitioner has referred to a birth certificate, annexed as annexure-2 to the present petition, to submit that the petitioner had given birth to a child on 15.1.2021. Thus, it is submitted that as far as the lady petitioner is concerned, she is not having any complicity in the matter especially, since a general and omnibus allegation has been levelled against her.

Per contra, the learned APP for the State, Ms. Anita Kumari Singh, and the learned counsel for the informant, Sri Jibendra Mishra, have vehemently opposed the prayer for bail and have submitted that brutal murder of the father of the informant has been committed by the accused persons including the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact



that a general and omnibus allegation has been levelled against the petitioner and in fact, she has not been alleged to have engaged in any sort of specific overt act, I deem it fit and proper to grant benefit of doubt to the petitioner for the purposes of grant of regular bail to her.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Katihar in connection with Dandkhora P.S. Case No. 61/2021.

(Mohit Kumar Shah, J)

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