

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53304 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- FALKA District- Katihar

ROOKSANA KHATOON W/o Md. Istiyak Sah R/o Salehpur, P.S- Falka,
Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sanjeev Kumar Singh, learned counsel for the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Falka P. S. Case No. 369 of 2021 giving rise to Sessions Trial No. 253 of 2022 registered for the offences punishable under Sections 341, 323, 307, 435, 504, 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.



The prosecution case is based on a written report filed by the informant alleging therein that on 26.10.2021 on account of some disputes between both the wives of the informant, the petitioner called her paternal family members and all of them came to the house of the informant and started abusing and assaulting him and when mother-in-law of the informant came to save the informant, co-accused Md. Ketabul assaulted her by means of *lathi* due to which she sustained head injury. It is also alleged that other co-accused persons also assaulted the other family members and put on fire the cattle feed house.

Learned counsel appearing on behalf of the petitioner submitted that from the F.I.R. it is evident that no specific allegation has been levelled against the petitioner save and except that due to some altercation between the petitioner and the second wife of the informant, she called her family members. It is further submitted that other co-accused persons, against whom specific allegation of assault has been levelled, have already been allowed the privilege of bail by learned coordinate Bench of this Hon'ble Court in Cr. Misc. No. 17624 of 2022 vide order dated 30.08.2022. It is next submitted that the petitioner is ready to give undertaking that she will fully



cooperate in the trial till its conclusion and moreover, she is in custody since 15.05.2022, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation and other co-accused persons, who have actively participated, have already been allowed the privilege of bail by learned co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, be released 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 Additional District and Sessions Judge- V, Katihar in connection with Falka P. S. Case No. 369 of 2021 giving rise to Sessions Trial No. 253 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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