

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.64840 of 2021**

Arising Out of PS. Case No.-22 Year-2021 Thana- AURAI District- Muzaffarpur

Sarwari Khatoon @ Shakri Khatoon, W/o Md. Bashir, Resident of Village -
Naya Gaon Ushri Tola, P.S.- Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr.Dilip Kumar No. 1, APP
For the Informant	:	Mr. Mazharul Hasan, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Dilip Kumar No.1, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Aurai P.S. Case No.22 of 2021 registered for the offences punishable under Sections 341, 323, 307/34 of the Indian Penal Code and later on vide order dated 09.03.2021 Section 302 I.P.C. was also added. She is in custody since 14.02.2021. She has got no criminal antecedent.

As per the prosecution story, when the husband of the



informant was going to bring milk for tea shop, near the house of co-villager Ram Chandar Choudhary the co-villagers namely Md. Bashir, Md. Harish, son of Md. Bashir and Sarvari Khatoon, wife of Md. Bashir surrounded the husband of the informant. It is alleged that Md. Bashir (not before this Court) took out a revolver/katta from his waist and fired upon the husband of the informant which hit on the back bone of the husband of the informant, who fell down in injured condition and became unconscious. He was brought to SKMCH at Muzaffarpur from where he was taken to Ma Janki Hospital, Muzaffarpur where he was being treated. Initially the case was registered under Sections 341, 323, 307/34 of the Indian Penal Code but later on vide order dated 09.03.2021 Section 302 I.P.C. was also added.

Learned counsel submits that on a bare perusal of the FIR it would appear that this petitioner was not lashed with any weapon as no weapon has been attributed to her. There is no allegation of commission of any overt act against her though allegations are specific against her husband and further it would appear that the petitioner has been made accused only because she happened to be the wife of Md. Bashir. It is submitted that in such circumstance when the petitioner has already remained



in custody for more than one year she deserves privilege of bail.

Learned counsel for the informant and learned APP for the State have opposed the prayer for regular bail of the petitioner. It is submitted that the husband of this petitioner has killed his own brother with an intention to grab his properties because his deceased brother is issue-less. It is submitted that the conspiracy on the part of the petitioner cannot be ruled out.

Having regard to the submissions noted hereinabove and upon noticing that no weapon has been attributed to the petitioner, no specific act has been alleged against her and the specific allegation of firing upon husband of the informant is against co-accused Md. Bashir who has already been arrested and is in custody, there being no other allegation against the petitioner and she has remained in custody for over one year, investigation against her is complete and her presence may also be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri Shambhu Kumar Gupta, J.M.-1st Class, Muzaffarpur in connection with Aurai P.S. Case No.22 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

