

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66760 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- BAISI District- Purnia

HASRE JAHAN Wife of Masood Resident of Village- Chopra Purab Tola,
Ward No. 3, P.S.- Baisi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-04-2022 Heard learned counsel for the parties in Virtual Court proceeding.

Let the defect(s), as pointed out by the office, be removed within four weeks of start of normal functioning of the physical Court.

The petitioner is in judicial custody in connection with Baisi P.S. Case No. 225/2020 lodged under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

The prosecution case, as alleged in the FIR, is that altogether thirty accused persons had assembled due to land dispute between the informant and them. It is further alleged that they assaulted the informant and their family members. In the process it is alleged that one Mirsid gave '*khanti*' blow to Obedur Rahman. It is further alleged that when the elder brother tried to save him, the same Mirsid also assaulted his elder



brother with brick as a result whereof he became unconscious. Thereafter, Mirsid again gave '*khanti*' blow to him. They fled away thereafter. Subsequently, one of the brother died while another was under treatment.

Learned counsel for the petitioner submits that specific allegation is against Mirsid of giving '*khanti*' blow and brick blow to the two brothers of the informant. So far as this petitioner is concerned, her role has been bracketed along with other persons with an omnibus allegation to have assaulted the informant's side.

He further submits that the petitioner is in jail since 09.09.2021 (as stated in para-22 of the bail application).

Learned counsel for the informant, Ms. Anukriti Jaipuriyar submits that all the accused persons including the petitioner herein had criminally conspired which led to the assault as well as killing of the one of the brother of the informant and as such she does not deserve bail.

Taking into the account the fact that specific allegation has been levelled against one Mirsid who is alleged to have assaulted informant's brothers and there is an omnibus allegation against other accused persons including the petitioner herein as also the fact that charge-sheet has been submitted and



she is in judicial custody since 09.09.2021, this Court it deems proper that she be enlarged on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/-(fifteen thousand) with two sureties of the like amount each in connection with Baisi P.S. Case No. 225/2020 to the satisfaction of learned Chief Judicial Magistrate, Purnea, subject to the following condition;

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

The bail application is allowed with the aforesaid observation.

(Rajiv Roy, J)

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