

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57619 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- JOKIHAT District- Araria

Kulsum @ Bibi Kulsum Ara, Wife of Ishaque R/V- Karhobna, Ward No. 12,
P.S- Jokihat, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Advocate
		Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the petitioner is at advanced stage of her pregnancy.

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

Heard learned counsel for the petitioner and learned A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Jokihat P.S. Case No. 201 of 2022, registered for the alleged offences under Sections 302/34 of the Indian Penal Code.

As per prosecution case, the informant got the



information that the co-accused, who are neighbours of the daughter of the informant, had been torturing her and she became unconscious after their assault. The daughter of the informant was taken to the doctor for treatment and her condition deteriorated and when she was being taken to the Sadar Hospital, she died on the way. The petitioner is the wife of co-accused Ishaque and her name surfaced during investigation as one of the perpetrators in the crime.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and she has been made an accused for a crime which she never committed. A petty quarrel took place between the petitioner and the deceased daughter of the informant and it appears that the daughter of the informant consumed poison and died subsequently. Even the husband of the deceased has not named this petitioner and he has further stated that his in-laws falsely implicated the petitioner in this case. Even during post-mortem examination, no external injury was found on the body of the deceased. After investigation, the police found the case true only for abetment of suicide. The petitioner is a lady and is in advance state of pregnancy and she is in custody since 24.07.2022. The charge sheet has been submitted. There is no chance of absconding or tampering with



the evidence.

Learned A.P.P. opposes the prayer for bail submitting that the name of the petitioner came up during investigation for being involved in abetment of suicide of the daughter of the informant.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioner is a lady and is in advance stage of pregnancy and further considering the nature of allegation against her and also submission of charge sheet along with her clean antecedent, she 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, Araria, in connection with Jokihat P.S. Case No. 201 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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