

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.910 of 2022

Arising Out of PS. Case No.-435 Year-2021 Thana- SAUR BAZAR District- Saharsa

BARIDA KHATUN Wife of Late Md. Isha @ Ishu Resident of Village-
Lahouna, Ward No.-07, P.S.-Sour Bazar (Pastpar O.P.), District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Jha, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the Informant	:	Mr. madhav Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

As per prosecution case, in brief, it is alleged by the informant that on 23.08.2021 at around 07:00 P.M. he received information that his son Md. Isha @ Ishu has been severally injured by some unknown persons near Jirwa cannal petrol pump. When he reached the spot he found his son bleeding profusely. It has been alleged by the informant that his son has



been eliminated by his daughter-in-law Barida Khatun who had frequent altercations with his son and has further attempted to kill his son by poisoning his food and also issued threats of taking life.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and she has been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that the informant on the basis of suspicion has placed the name of the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner on 20.11.2021 and co-accused namely Md. Lalo has been granted anticipatory bail vide order dated 17.05.2022 in Cr. Misc. No. 17683 of 2022 by a Coordinate Bench of this Court and the petitioner is in custody since 25.08.2021.

Learned APP for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sour Bazar P.S. Case No. 435 of 2021, with the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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