

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1296 of 2022**

Arising Out of PS. Case No.-269 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

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NASRIN WIFE OF TANWIR ALAM @ TANWEER ALAM @ MD.
TANVIR HUSSAIN R/O VILLAGE- SAPTIYA, P.S.- KOCHADHAMAN,
DIST.-KISHANGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, APP

For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kochadhaman P.S. Case No. 269 of 2021 registered for the
offence under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.09.2021.

The allegation against the petitioner is to commit
murder of his *Gotni* (sister-in-law) along with husband of the
deceased.

Learned counsel appearing on behalf of the petitioner



submitted that informant is not the eye-witness of the occurrence and entire allegation is based upon suspicion, where petitioner was alleged to be in illicit relation with the husband of the deceased, who is also accused in this case. It has further been submitted that alleged weapons or any incriminating materials have not been recovered from conscious physical possession of the petitioner, which may connect the petitioner with the present set of occurrence. It is also submitted that petitioner is living separately having no connection with the domestic/daily affairs of the deceased. It has further been submitted that petitioner being lady, is a man of clean antecedent.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence, as per FIR.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, leading no recovery of incriminating material, which may connect the petitioner *prima-facie* with the present occurrence, leaving separately coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, who is a lady of clean antecedent, is directed to be



released on bail in connection with Kochadhaman P.S. Case No. 269 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Kishanganj/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Md. Tanvir Hussain alias Tanwir Alam alias Tanweer Alam, who is the husband of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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