

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68103 of 2022

Arising Out of PS. Case No.-109 Year-2020 Thana- CHAKIA District- East Champaran

Koraisha Khatun @ Kaushar @ Koraisha Khatoon Wife Of Azad Ali @ Md. Ajab @ Ajab Ali Ansari R/O Vill.- Ramdiha, P.S.- Chakia, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

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

The petitioner seeks bail in connection with Chakia P.S. Case No. 109 of 2020 registered for the offence under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 24.09.2022.

The allegation against the petitioner is to commit murder of son of the informant, along with other co-accused



persons, by assaulting with lathi due to previous land dispute.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature and as such it cannot be said that petitioner was under intention to cause death. It is submitted that for the same set of occurrence petitioner's side also lodged a Chakiya P.S. Case No. 110 of 2020 dated 20.03.2020. It is further submitted that nature of allegation as regard to assault is very much general and omnibus against all the co-accused persons including this petitioner. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 40754 of 2020 vide order dated 09.04.2021. While concluding the argument, it is submitted that petitioner is lady of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as allegation regard to assault is very much general and omnibus against this petitioner who is a lady, where occurrence is free fight in nature coupled with the fact that charge-sheet has



already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chakia P.S. Case No. 109 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Mothihari/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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