

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13783 of 2023

Arising Out of PS. Case No.-91 Year-2022 Thana- SHRI NAGAR District- Madhepura

AYASHA KHATOON, Wife of Md. Ijrail @ Md. Israile, Resident of Village -
Pokhariya, Ward No.- 01, P.S.- Shri Nagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Shyameshwar Kumar Singh, Advocate
For the State	:	Mr. Ramesh Chandra, APP
For the Informant	:	Mr. Rupesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 24-05-2023 Heard learned counsel for the petitioner and learned

APP for the State of Bihar, as well as learned counsel for the

informant.

The petitioner is apprehending her arrest in
connection with Shri Nagar P.S. Case No. 91 of 2022 under
Sections 302, 201 and 34 of Indian Penal Code.

It is alleged that informant married his sister namely
Murshida Khatoon with one *Md. Jibrail* (co-accused). Three
children were born out of the wedlock. The informant's sister
had recently been ousted out of her matrimonial home, and
thereafter taken back recently. On 06.08.2022, beheaded body of
the informant's sister was found in the field in a pool of blood.
Informant went to his sister's matrimonial home where he found
beheaded body of his niece (*Jiya Parveen*) also.

It is submitted by learned counsel for the petitioner



that the petitioner is sister-in-law of *Md. Jibrail*. She had no connection with the family affairs. The petitioner was not even present at the alleged place of occurrence. Due to her relation with the co-accused, she has been dragged in this case. *Md. Jibrail* (husband of the deceased) was examined and has given his confessional statement, wherein he has not assigned any role to the instant petitioner. He is in judicial custody since 22.08.2022. Co-accused namely *Meena Khatoon* and *Raina Khatoon* have been allowed anticipatory bail in *Cr. Misc. No. 68613 of 2022* considering the general and omnibus nature of allegation against accused persons other than *Md. Jibrail*. Petitioner also has no antecedent.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail. It is submitted that petitioner is also a named accused.

However, learned counsels are not in a position to carve out any distinction in the case of the petitioner with that of the two other co-accused persons who have been allowed bail in *Cr. Misc. No. 68613 of 2022*.

Considering the claim based on parity, clean antecedents, as also the rival submissions, taken note of above, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.



Petitioner's prayer for anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Madhepura, in connection with Shri Nagar P.S. Case No. 91 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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