

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15850 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- JALE District- Darbhanga

Kanij Khola Fatima Wife of Late Abdul Rajeeq Khan @ Abdul Rajeeq
Resident of Village - Jale Pachimi, Mohalla - Khan Mohalla, P.S.- Jalley,
District - Darbhanga, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikas Kumar Jha, Advocate.
For the State	:	Mr. Satya Nand Shukla, APP.
For the Informant	:	Mr. Mahtab Alam, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

12 19-05-2023 Heard Mr. Vikash Kumar Jha, learned counsel
appearing on behalf of the petitioner; Mr. Satya Nand Shukla,
learned APP for the State and Mr. Mahtab Alam, learned counsel
for the informant.

2. The petitioner seeks pre-arrest bail in connection
with Jalley P.S. Case No. 106 of 2022 arising out of Complaint
Case (C.R.) No. 793 of 2022 registered for the offence
punishable under Sections 306, 302 and 201/34 of the Indian
Penal Code.

3. Prosecution story, in brief, is that a lady had
committed suicide on 18.04.2022 and for the said incidence a
U.D. Case No. 4 of 2022 was registered by the police on
18.04.2022. The brother of the deceased after three months filed



a complaint case No. 793 of 2022 on 29.07.2022 alleging therein that the petitioner along with other co-accused had instigated the deceased to commit suicide. Thereafter, the F.I.R. was lodged being Jalley P.S. Case No. 106 of 2022 on 02.09.2022.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner who is a widow and aged woman was unaware of the incidence of suicide of the sister of the informant as alleged in the F.I.R. Petitioner was also not aware of the fact that her son was having any relationship with the deceased. However, she has been roped in the present case on false accusations.

5. Mr. Mahtab Alam, learned counsel tendered his appearance on behalf of the complainant / informant and submitted that the petitioner along with her son used to blackmail the deceased by manufacturing objectionable photographs to extort money from the deceased who was earning out of nursing at a private hospital.

6. Learned APP for the State supported the submission advanced on behalf of the informant.

7. Having considered the rival submissions made by the parties as well as the allegation made in the U.D. Case No.



04 of 2022 which was lodged on 18.04.2022 with respect to suicide of the sister of the informant and after institution of the U.D. Case, a complaint case before the Magistrate was registered on 29.07.2022 and finally F.I.R. was registered on 02.09.2022. The petitioner is an old aged woman and co-villager. It appears from the records that she was unaware of the incidence in which she has been made accused relating to instigating the deceased who is the sister of the informant. The main allegation is against co-accused Maryam and Wahid. I am of the opinion that the petitioner has made out a case to be released on bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Darbhanga in connection with Jalley P.S. Case No. 106 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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