

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22001 of 2023

Arising Out of PS. Case No.-23 Year-2021 Thana- BALIA BELON District- Katihar

SARWARI BEGUM Daughter of Md. Kasim R/O Village - Chandani Chowk
Tola, Shikarpur, P.S.- Balia Belon, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 12.03.2021 in connection with Balia Belon P.S.Case No.23 of 2021, F.I.R. dated 11.03.2021 registered for the offence punishable under Sections 302/34 of IPC.

3. The allegation against the petitioner and other co-accused persons is that they committed murder of son of informant.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that the petitioner is wife of the deceased and the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, the petitioner



and other family members of the petitioner have been made accused in the present case and it is not possible that the wife in connivance with her father and her family members have killed her husband without any reason and from bare perusal of the FIR it appears that there is no reason assigned by the informant in the FIR and co-accused persons, namely, Sakibul @ Shah Sakibul and Hasib have been granted bail vide order dated 29.08.2022 passed in Cr. Misc. No.64589 of 2021 and Cr. Misc. No.64644 of 2021 and co-accused, namely, Md. Kasim, who happens to be the father of the petitioner and father-in-law of the deceased has been granted bail vide order dated 15.05.2023 passed in Cr. Misc. No.62974 of 2022 by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.03.2021.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Katihar in connection with Balia



Belon P.S.Case No.23 of 2021,with the following conditions:-

(I) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) 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 his criminal antecedent, 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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