

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22397 of 2023

Arising Out of PS. Case No.-206 Year-2022 Thana- RAHIKA District- Madhubani

1. Rubeda Khatoon Wife Of Md.Tahir Resident Of Village- Barha Tol Rahika Ps- Rahika, Distt- Madhubani
2. Md. Akbar Son Of Late Noor Mohammad Resident Of Village- Barha Tol Rahika Ps- Rahika, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Advocate
Mr. Sushil Kumar Jha, APP
For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 14-07-2023 1. Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.
2. Let the defect(s), if any, be removed within a period of four weeks from today.
3. The petitioners seek bail in connection with Rahika P.S. Case No. 206 of 2022 registered for the offence under Sections 302, 201, 120-B, 363, 366/34 of the Indian Penal Code.
4. The accused/petitioners are named in the F.I.R. and are in custody since 07.10.2022.
5. The allegation against the petitioners is to commit murder of one Madina Khatoon, who is none but the daughter of petitioner no. 1 and co-villager of petitioner no. 2 as she found in love affairs with one Rohit Paswan, person of different



religion.

6. Learned counsel appearing on behalf of the petitioners submitted that both petitioners falsely implicated with present case as the daughter of petitioner no. 1 committed suicide on hearing the false news regarding death of Rohit Paswan, who is of different religion. It is submitted that petitioner no. 1, being mother, and other family members tried their best to save life of deceased and in that process they reach up to R.B. Memorial hospital, Darbhanga for better treatment and this fact also surfaced during the course of investigation. It is submitted that after the death last rites performed by deceased family members as per her religion and admittedly, post-mortem of this case was not conducted as to ascertain the cause of death. It is further submitted that petitioner no. 2 is the co-villager and he implicated with present case with limited allegation as to help petitioner no. 1 to perform the last rites of deceased, being co-villagers. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, while opposing the prayer of bail submitted that this is a case of owner killing but fairly conceded



that the post-mortem was not conducted in this case as to ascertain the cause of death.

8. Considering the facts and circumstances as mentioned above, as petitioner no. 1 is a lady of clean antecedent, whereas petitioner no. 2 is a co-villager with limited allegation as to participate in last rites of the deceased/daughter of petitioner no.1 coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 07.10.2022, accordingly, both the petitioners, above named, are directed to be released on bail in connection with Rahika P.S. Case No. 206 of 2022 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, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i) That the petitioners shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the



cancellation of bail bond of the petitioners.

(ii) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

