

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24863 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- KAJRAILICHAK District- Bhagalpur

1. SHAMIMA KHATOON @ SHAMIMA @ BIBI SHAMA W/O LATE MD. GUFRAN Resident of Village- Sahpur Tamauli, P.S.- Kajreli, District- Bhagalpur.
2. BIBI HENA @ HENA PRAVIN D/O LATE GURFAN KHAN Resident of Village- Sahpur Tamauli, P.S.- Kajreli, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 325 & 302/34 of the Indian Penal Code.

All the F.I.R. named accused including these petitioners are said to have attacked with lathi, danda and rod on the female members of the informant's family due to which they sustained injuries on their various parts. One of the injured, Bibi Firozi is said to have succumbed to her injuries.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place.



Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that the I.O. has submitted final form against the petitioners but the learned Court below has taken cognizance against these petitioners. It is further submitted that petitioner no.1 is an old lady and aged about 70 years. It is further submitted that from bare perusal of the postmortem report, it appears that no external injury has been found on the dead body of the mother of the informant. It is further submitted that the parties to the case has compromised the matter. It is also submitted that the trial of the case has commenced and the informant of this case has been declared hostile. It is lastly submitted that the mother of the informant has died due to heart disease and not due to injury. The postmortem report does not support the prosecution case and the doctor who has conducted the autopsy of the cadavera of the deceased has opined that the death appeared to be natural due to heart disease. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kajreli P.S. Case No.71 of 2021 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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