

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29360 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- NAUGACHIA District- Bhagalpur

1. SONI KHATOON WIFE OF MD. JAWED RESIDENT OF VILLAGE-
UJANI, P.S.- NAUGACHIA, DISTRICT- BHAGALPUR
2. BANO KHATOON WIFE OF MD. BABAR RESIDENT OF VILLAGE-
UJANI, P.S.- NAUGACHIA, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Naugachia
P.S. Case No. 365 of 2022 registered for the offence under
Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal
Code.

The petitioners and their family members allegedly
assaulted the father of the informant due to which he sustained
in injury and died on the spot.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent
and have falsely been implicated in this case. He further submits
that on bare perusal of the F.I.R., it appears that the F.I.R. is in two



parts; in the first part there is general and omnibus allegation levelled against the petitioners and in the second part, specific allegation of inflicting kachiya blow to Md. Jahir, who happens to be uncle of the informant, is attributed to petitioner No.2. He further submits that the injury report of Md. Jahir suggest that he sustained simple injury caused by hard and blunt substance. He further submits that there is case and counter case between the parties. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners, who are lady, are rotting in judicial custody since 26.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned A.C.J.M.-1st, Naugachia in connection with Naugachiya P.S. Case No. 365 of 2022 with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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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