

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.30009 of 2023**

Arising Out of PS. Case No.-74 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Phulwali Rani @ Rani @ Farhat Parween Wife Of Md. Ashiq ,D/o Late Md. Hafiz @ Late Sayed Md. Hafiz,R/O- Ashraf Alam Lane, Moulana Chak, P.S.- MOJAHIDPUR, Distt.-BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                                        |
|--------------------------|---|----------------------------------------|
| For the Petitioner/s     | : | Mr.Dr. Manoj Kumar,Advocate            |
| For the Opposite Party/s | : | Mr.Pawan Kumar Chaurasia,APP           |
| For the Informant        | : | Mr. Indeshwari Prasad Mandal, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      25-07-2023                      Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 23.02.2023 in connection with Mozahidpur P.S. Case No. 74 of 2023, F.I.R. dated 23.02.2023 registered for the offence punishable under Sections 307,120B,34 of IPC and Section 27 of the Arms Act subsequently Section 302 of IPC was added.

3. The prosecution case, in short, is that the informant alleged that on 22.02.2023, co-accused persons, namely, Md. Afsar, Md. Adhan and Md. Afroj @ Kallu have made firing upon her son-in-law , namely, Kallu @ Imran. Her son-in-law was lying on road and crowd was there. Blood was coming from his body. The informant and others took away the Hospital for treatment.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that there is no accusation of any assault or overt-act attributed against the petitioner. Further submits that from bare perusal of the FIR it appears that co-accused persons, namely, Md. Afsar, Md. Adhan and Md. Afroj @ Kallu have fired upon the victim and the petitioner was not present at the place of occurrence but the petitioner has been made accused in the present case on the ground that the she is mother of co-accused, namely, Md. Adhan and no material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.02.2023.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, 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 Judicial Magistrate, 1<sup>st</sup> Class, Bhagalpur in connection with Mozahidpur P.S. Case No. 74 of 2023,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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