

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31448 of 2023

Arising Out of PS. Case No.-292 Year-2022 Thana- KHARIK District- Bhagalpur

Sahnaj Khatoon wife of Shamsheer Baitha Village-po- Tulsipur, Ps- Kharik,
Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Lalit, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Kumar Lalit, learned counsel for the

petitioner, learned counsel for the informant and learned APP

for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kharik P.S. Case No. 292 of 2022, registered
for the offences punishable under Sections 341, 323, 302, 504,
506/34 of the Indian Penal Code.

The prosecution case is based on the fardbayan of the
informant alleging therein that on account of some trifling issue,
the petitioner started abusing the informant, upon which the
informant made a complaint regarding the said dispute to the
village head, whereupon, he ordered the husband of the
petitioner and others to assault her upon which they thrashed the
informant. It is further alleged that co-accused Saddam Baitha



and Shamsheer Baitha also assaulted her son Arman Baitha aged about 4 years, who sustained grievous injury and died during the course of treatment.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the save and except the allegation of hurling abuse there is no allegation of any overt act against the petitioner, resulting into injury to either the informant or her son Arman. He further submits that the petitioner is a lady, having fair antecedent and moreover after completion of the investigation charge-sheet has been submitted.

On the other hand learned counsel for the informant vehemently opposes the bail application and submits that in fact the genesis of the crime is none else but the petitioner, leading to the death of a four year child and in fact it is the petitioner, who instigated the other co-accused persons, to assault the informant and her son.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation against the petitioner and the fact of she being a lady is in custody since



28.11.2022, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Naugachhia (District-Bhagalpur) in connection with Kharik P.S. Case No. 292 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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