

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35087 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- PURAINI District- Madhepura

1. MAIMUN KHATOON @ SAMINA KHATOON W/O LATE MD. MAJLUM R/O Village- Sahouri, Marwa, P.S- Bihpur, Distt.- Bhagalpur.
2. Jagan Khatoon W/O Late Md. Murshid @ Taiub R/O Village- Sahouri, Marwa, P.S- Bihpur, Distt.- Bhagalpur.
3. Sajda Khatoon @ Sajida Khatoon W/O Md. Yusuf R/O Village- Sahouri, Marwa, P.S- Bihpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Barun Kumar Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

The petitioners seek bail in connection with Puraini P.S.
Case No. 92 of 2022 registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504 and 506
of the Indian Penal Code.

As per prosecution case, informant and his father
alongwith other relatives went to see their ancestral land at village
Divan Tola where they saw that petitioners and others were standing
on their land and constructing a house. It is alleged that upon order
of accused Rabul, accused Md. Chunna gave a massive blow on the
head of the informant's father with a Davia due to which his father



was grievously injured and he fell down on the floor after which accused Md. Nasim and Pinki Khatoon hit him by a sickle and chopped one of his fingers. It is further alleged that accused Maqsood hit informant's uncle Md. Rajjak on his head by an axe. It is further alleged that the petitioner alongwith other hit informant's brother Md. Gulfaraz using sticks and iron rod due to which he sustained injury. Informant's father was in critical condition and he was referred to silliguri but he died on the way.

Learned counsel for the petitioners submits that petitioners are in custody since 18.01.2023 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners are ladies and as per prosecution case, the specific allegation of assault causing the death of informant's father is not attributed upon these petitioners. He further submits that co-accused Md. Jibrayal has already been granted bail vide Cr. Misc. No. 3641 of 2023 by a co-ordinate Bench of this Court and the case of present petitioners stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, petitioners being ladies, no specific overt-act attributed against the petitioners, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is



no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, co-accused has already been granted bail by a co-ordinate bench of this Court and on the principle of parity, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Udakishunganj, District-Madhepura in connection with Puraini P.S. Case No. 92 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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