

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40129 of 2023

Arising Out of PS. Case No.-394 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

1. JUHI KHATOON, aged about 25 years, Female
2. Md. Sarwar, aged about 27 years, male, Both person daughter and son of Md. Jamal, resident of Village- Harnitar PS- Makhdumpur Dist- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Momina Khatoon wife of Late Md. Husain Village- Japharganj Ps- Jehanabad Dist- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-07-2023 1. As prayed for, learned counsel for the petitioners is permitted to make necessary correction at first page of the petition in course of the day.

2. Heard learned counsel for the petitioners and the learned APP for the State.

3. Petitioners seek regular bail in connection with Makhdumpur P.S. Case No. 394 of 2020 dated 04.10.2020 registered for the offence(s) punishable under Section(s) 304(B), 201 and 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

4. The main submissions advanced by the learned



counsel for the petitioners are that there is no criminal antecedent against any of the petitioners and petitioner no.1 is sister and petitioner no.2 is brother of the husband of the deceased, petitioner no.1/Juhi Khatoon is a married lady living in her *Sasural* and has no concern with the family affairs of the deceased and other co-accused persons, namely, Md. Jamal, Md. Kallu and Sharifan Khatoon have been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.8920 of 2022 and there is no specific allegation against the petitioners as per FIR and petitioner no.1 and petitioner no.2 have been languishing in jail since 06.09.2022 and 30.08.2022 respectively.

5. Learned APP appearing for the State has opposed the bail prayer and submitted that against the petitioners there is serious allegation and they do not deserve to the privilege of bail.

6. Considering the above submissions and mainly the facts that both the petitioners are stated to be relatives of the husband of the deceased and father-in-law and mother-in-law of the deceased have been granted bail by a co-ordinate Bench of this Court, as mentioned-above, and in the FIR, there is no specific allegation against the petitioners, in my opinion, it is a



fit case for bail to the petitioners. Accordingly, let the petitioners named-above be enlarged on bail in connection with Makhdumpur P.S. Case No. 394 of 2020 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Sanjay/-

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