

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38158 of 2023

Arising Out of PS. Case No.-326 Year-2022 Thana- DAGARUA District- Purnia

JEHARI KHATOON @ BIBI JEHARI KHATOON @ JAINAW KHATOON
W/O MD SAHABUDDIN @ SAMRUDDIN R/O Village- Dagarua, PS.
Dagarua, District- Purnia

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Dagarua P.S. Case No. 326 of 2022, registered for the offences punishable under Sections 447, 341, 323, 302, 504, 506 and 34 of the Indian Penal Code.
3. The case of the prosecution, in brief, according to the informant, is that on 27.09.2022 at about 5:00 P.M. while the husband of the informant, namely, Md. Firoj Alam (now deceased), was coming to his home after offering *Namaz* and had reached near his house, the accused persons



including the petitioner, variously armed, had surrounded him and then the petitioner, Manaw Khatoon and Rubi Khatoon had caught hold of the husband of the informant and pushed him on the ground, whereafter all the accused persons had mercilessly assaulted the informant with punches, fists, bricks and sticks, resulting in his subsequent death during the course of treatment at the hospital on 30.09.2022.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is a lady and it cannot be visualized that she would commit murder of a male person.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the parties as also considering the fact that the petitioner has been specifically alleged to have assaulted the deceased resulting in his subsequent death during the course of treatment, the present case is at least not a case for grant of anticipatory bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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