

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38763 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- NAGAR District- Vaishali

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SHAHANI KHATOON, WIFE OF MOHAMMAD FIROJ @ MD. FIROJ,
Resident of village - Gaushi Khan, O.P - Fakuli, P.S. - Kurhani, Distt.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-07-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Hajipur Town P.S. Case no. 147 of 2023 registered under sections 379, 323 and 356 of the Indian Penal Code.

3. As per the prosecution case, while the informant was on way to his house the accused person by mixing some intoxicant served him cold drink as a result of which the informant became unconscious. Thereafter he was admitted in the Sadar Hospital and after regaining consciousness, he found his belongings, mentioned in F.I.R, missing.

4. It is submitted by learned counsel for the petitioner



that the FIR was registered against unknown. The name of the petitioner transpired in course of investigation in the confessional statement of the co-accused who also happens to be the son of the petitioner. It is further submitted that the petitioner is a lady and also is HIV positive. The petitioner is in custody since 25.3.2023 and has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties, taking into consideration the facts of the case and having perused the material on record it transpires that the petitioner is not named in the FIR. From the order rejecting the application for bail of the petitioner it transpires that the name of the petitioner transpired in the confessional statement of co-accused, who also happens to be the son of the petitioner, made before police and allegedly some stolen mobile phones were recovered from the house of the petitioner. Further taking into account the petitioner being the lady who also is HIV positive, her being in custody since 25.3.2023, chargesheet having been submitted in the case and the petitioner not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Hajipur Town P.S. Case no. 147 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Chief Judicial
Magistrate, Vaishali at Hajipur.

(Partha Sarthy, J)

Spd/-

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