

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57754 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- PIRBAHOR District- Patna

Afshan Farida @ Afsha Farida Wife Of Late Dr. Afzal Ali , D/O Perwez Alam
Resident Of Mehboob Bakery Lane Darji Tola Sabji Bagh Patna, At Present
Residing At A.R. Sajda Galaxy Apartment, New Khajurbanna, Post-
Mahendru, Ps- Sultanganj, Dist- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Pirbahore P.S. Case No. 171 of 2023 dated 07.03.2023,
instituted for the offence punishable under Sections 306, 420,
379/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the date of
occurrence the younger brother (deceased) of the informant
committed suicide by hanging himself. It has been further
alleged that the deceased was married to Afsha Farida on
11.01.2023 and after marriage, her wife was residing in the
house of the deceased from 11.01.2023 to 22.02.2023 and her
relationship with the deceased was not good as she was
demanding Rs. 10 lakhs from the deceased to hand over the
amount to her father. It is further alleged that the deceased had



made complaint on 22.02.2023 about the missing of his wife, who was recovered on 24.02.2023 but the family members of his wife were threatening the informant's side to implicate them in kidnapping case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in this case. It is submitted that brother of the deceased, who is the informant in this case, registered U.D. Case No 04 of 2023 from which it clearly appears that it is a concocted story. It is hard to believe that when the family members of the informant at 6:00 pm in the evening itself saw that the deceased was hanging then how could they not bring his body down immediately and waited till 7:00 pm for the informant to come. It is submitted that from perusal of the U.D. Case and the present F.I.R., there is totally a different story. It is an admitted fact that at the time of incident the petitioner was not there. It is further submitted that petitioner has also lodged a complaint case against the deceased at Pirbahore Police Station for torturing her in Mahila Thana, Gardanibagh and accordingly notice dated 24.02.2023 was issued to the deceased by Mahila Thana, Gardanibagh. It is further submitted that when the petitioner was living with her husband, she came to know that deceased (husband) was already



a married person. His first wife had also levelled allegation of torturing against him and had also lodged Patrakarnagar P.S. Case No. 153 of 2014 against him. After their divorce, the deceased was giving monthly maintenance of Rs. 4500/- to his first wife and child in the light of order passed in Criminal Miscellaneous No. 30711 of 2015 by this Hon'ble Court. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Pirbahore P.S. Case No. 171 of 2023, the petitioner shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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