

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59271 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- KISHANPUR District- Supaul

1. AFSANA KHATOON @ BIBI AFSANA KHATOON W/o Md. Naeem Ansari R/o Village-Belateda, Ward No. 10, P.S.-Kishanpur, District-Supaul.
2. AJMUN KHATOON W/o Md. Dishad Ansari R/o Village-Belateda, Ward No. 10, P.S.-Kishanpur, District-Supaul.
3. ISHRAT PRAVEEN D/o Md. Rahmaan Ansari R/o Village-Belateda, Ward No. 10, P.S.-Kishanpur, District-Supaul.
4. NUSHRAT PRAVEEN @ BIBI D/o Naeem Ansari R/o Village-Belateda, Ward No. 10, P.S.-Kishanpur, District-Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioners are accuseds in connection with Kishanpur P.S. Case No. 53 of 2023 registered for the offences under sections 302 and 34 of the Indian Penal Code lodged on 11.03.2023 by the informant, Bibi Jamila Khatton.

3. As per the prosecution story, the allegation is that due to minor issue of falling of leaves in the informant's house, upon objection, the accused persons assaulted which resulted into unfortunate death and she succumbed to the injuries. Accordingly, the FIR.



4. Learned Counsel for the petitioners submit that omnibus allegation has been made against five accused persons including one Dilshad, they are ladies, one of them is tender age of 19 years, they do not have criminal antecedent and are in custody since 11.03.2023 (as stated in paragraph 12 of the bail application).

5. Learned Counsel for the informant submits that it was the biting by one of the accused, which proved fatal.

6. Considering the fact that though an unfortunate death has occurred, omnibus allegation is/are against all the four petitioners, are ladies, in custody since 11.03.2023, FIR lodged and will be facing the trial, this Court is inclined to extend them privilege of bail.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Supaul in connection with Kishanpur P.S. Case No. 53 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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