

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55284 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- LODIPUR District- Bhagalpur

=====

HAFIZA @ BIBI HAFIZA PERWEZ, W/O Md. Yusuf, Resident Of Village-
Ustu, Police Station- Lodipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Md. Najmul Hodda, Advocate
For the Opposite Party/s	:	Mr.Md. Fahimuddin, APP
For the Informant	:	Mr.Praveen Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the learned
counsel for the informant as well as learned APP for the State.

The petitioner seeks bail in connection with Lodipur P.S.
Case No. 10 of 2021 registered for the offence punishable under
Sections 302, 201 and 120B of the Indian Penal Code.

The informant has alleged that the informant's daughter
was married earlier to one Md. Arshad with whom there was a
divorce. Subsequently, she developed relations with one Md. Yusuf
and he has been coercing the daughter of the informant to
compromise the case with the earlier husband. The daughter has
subsequently been found murdered, leading to lodging of the instant
case. The petitioner is wife of Md. Yusuf and has been named as one
of the accused persons who in conspiracy has killed the informant's
daughter and her dead body has been carried away in a gunny bag
where it has been thrown.

Learned counsel for the petitioner submits that from the
allegations made in the FIR, motive if at all is existing against co-
accused Md. Arshad and Md. Yusuf (petitioner's husband). Petitioner,
a passive female member in the house, has become a victim of the



circumstances and based on suspicion only she is in custody since 29.06.2021. Another female accused namely Bibi Nargis has been allowed anticipatory bail in *Cr. Misc. No. 68571 of 2021*.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail. It is submitted that the prayer of Md. Yusuf for grant of bail has been rejected in *Cr. Misc. No. 48188 of 2021*, placing reliance on material collected in the course of investigation.

Considering the rival submissions, having regard to the nature of accusations, the fact that the petitioner is wife of Md. Yusuf and motive is assigned against Md. Yusuf, fact that investigation is complete and period of custody, this Court, for the purposes of grant of bail, is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 9th Additional District and Sessions Judge, Bhagalpur, in connection with Lodipur P. S. Case No. 10 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shashank/-

U		T	
---	--	---	--

