

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60906 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

1. Sanjida Begum W/O Sheikh Intaf R/O Village- Badka Gaon, Daxin Tola, P.S- Bhagwanpur Hat, Distt.- Siwan.
2. Shabnam Khatoon D/O Noor Alam R/O Village- Jalalpur, P.S- Madhaura, Dist.- Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Bhagwanpur Hat P.S. Case No. 127 of 2023 registered under sections 341, 323, 324, 302 and 34 of the Indian Penal Code.

Allegation against the petitioners along with other co-accused person is that they assaulted the informant's mother by means of tangi due to which she died on spot and they concealed the dead body of the deceased in a room.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They



have falsely been implicated in this case. Informant is not the eye witness of the alleged occurrence. Nothing consistent material has come against the petitioner No.2, namely, Shabnam Khatoon, who is relative of petitioner No.1 and also petitioner No.2 does not belong to the same village where this occurrence took place. A statement has been made in para-3 of this petition that both the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 14.04.2023.

The application for bail is opposed by learned APP for the State and submitted that both the petitioners were apprehended on spot. Specific overt act of assault is against the petitioner No.1, namely, Sanjida Begum as well as dead body of informant's mother was recovered from her room. Inquest report and postmortem report also corroborate with the prosecution version.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody period, the Court is inclined to enlarge the **petitioner No. 2 , namely, Shabnam Khatoon on bail.** The above named petitioner No. 2 is directed to be enlarged on bail in connection with Bhagwanpur Hat P.S. Case No. 127 of 2023



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, Siwan.

So far as Petitioner No.1, namely, Sanjida Begum is concerned, there is direct allegation of commission of murder of informant's mother against her. Specific allegation against her is of assaulting by means of tangi on the informant's mother head as a result of which she succumbed to head injury and this fact is corroborated by inquest as well as postmortem report. Dead body was recovered from the room of petitioner No.1 and during investigation, several witnesses have supported the prosecution story.

Considering the fact that there is direct allegation of assault against petitioner No.1, namely, Sanjida Khatoon, this court is not inclined to enlarge the petitioner on bail and, as such, her prayer for bail stands rejected.

The trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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