

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56846 of 2022**

Arising Out of PS. Case No.-88 Year-2021 Thana- DAGARUA District- Purnia

Saibun @ Bibi Sahibul @ Fudki Wife of Md. Mojid Alam, R/o Village-  
Hahthour Chanoua, Ward No. 14, P.S.- Dagaruwa, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Petitioner/s | : | Mr. N.K. Agrawal, Sr. Adv.   |
|                      | : | Mr. Amresh Kumar Sinha, Adv. |
|                      | : | Mr. Kumar Rajdeep, Adv.      |
|                      | : | Mr. Arvind Kumar, Adv.       |
| For the State        | : | Mr. Binod Kumar, APP.        |
| For the Informant    | : | Mr. Md. Fazle Karim, Adv.    |
|                      | : | Mr. Sanjay Sinha, Adv.       |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      21-02-2023                      Let the defect(s), if any, be removed within two weeks  
from today.

Heard learned Sr. Counsel for the petitioner and  
learned A.P.P. for the State as well as learned counsel for the  
informant.

The petitioner seeks regular bail in connection with  
Dagarua P.S. Case No. 88 of 2021, lodged under Sections 302,  
34 of the Indian Penal Code.

As per prosecution case, the informant Mohd. Sobrati  
alleged that murder of his son took place. Her daughter-in-law  
has indicated that dead body of his son shall come in the  
evening. When in the evening at 6.30 on 22.03.2021 the  
informant's son was not returned then on the next day at about  
10 a.m. on 23.03.2021 the informant received information that  
his son was murdered by sharp cutting weapons and his dead



body was thrown in Makka field. On the basis of suspicion the informant has filed criminal case against her daughter-in-law, her *Samdhi*, against one Zubair, Rakso and Mohd. Jafil.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. He further submits that name of petitioner has figured in this case during investigation as there was talk going on between deceased Mohd Mazhar and the petitioner and it has come in paragraph no.94 of the case diary that son of deceased has disclosed that there was illicit relation between his father and the petitioner. Learned counsel for the petitioner further submits antecedent of petitioner is clean and merely on the basis of suspicion her name has figured in this case and petitioner is in custody since 27.07.2022.

Learned counsel for the State opposes the prayer for bail and submits that long conversation is the indication of the commission of crime.

Learned counsel for the informant vehemently opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to



the satisfaction of learned C.J.M, Purnea in connection with Dagarua P.S. Case No. 88 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of her bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that she shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of her present bail bond.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

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