

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62815 of 2022**

Arising Out of PS. Case No.-183 Year-2021 Thana- JOGAPATTI District- West Champaran

HUSNE ARA @ HUSNE ARA KHATOON Wife of Zahir Alam Resident of Village- Inarwa, P.S.- Inarwa, District- West Champaran, At present residing at Banuchhapar, P.S.- Bettiah Mufassil (Banuchhapar O.P.), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.  
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      06-04-2023      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 29.04.2022, in connection with Jogapatti P.S. Case No. 183/2021, F.I.R. dated 04.05.2021, for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

According to prosecution case, on the basis of recovery of a dead body kept in a plastic sack near the Tirhut Canal, the instant case came into existence.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused, namely, Jahir Hussain. He further



submits that except the confessional statement of co-accused namely, Jahir Hussain, no other cogent material has come during investigation against the petitioner to connect her involvement in the present occurrence and similarly situated co-accused, namely Jahir Hussain @ Zahir Alam has been granted bail by this Court vide order dated 29.03.2023 passed in Cr. Misc. No. 16054/2023 and other co-accused, namely, Arman Hussain has been granted bail by a co-ordinate Bench of this Court vide order dated 19.09.2022 passed in Cr. Misc. No. 67763/2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Additional District and Sessions Judge-VIII, Bettiah, West Champaran in connection with S. Tr. No. 417 of 2022, arising out of Jogapatti P.S. Case No. 183 of 2021, subject to the



following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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