

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66384 of 2022

Arising Out of PS. Case No.-290 Year-2022 Thana- KORHA District- Katihar

Khadija Khatoon@ Bibi Khatija Khatoon W/o Late Sarmajul R/O Sahariya,
P.S- Barari, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate. Mr. Sanjeev Kumar Singh, Advocate. Mr. Arvind Kumar, Advocate.
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. N.K. Agrawal, learned senior counsel for the petitioner duly assisted by Mr. Sanjeev Kumar Singh, learned counsel and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Korha P.S. Case No. 290 of 2022, registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that on 30.06.2022 the informant received an information regarding recovery of the dead body of



his elder brother. He found that his deceased brother has sustained injuries over his body and his body was thrown from the bridge. It is further alleged that the brother of the informant was living separately with his wife along with three children and before the occurrence there was a quarrel in the family and since the alleged date of occurrence, the wife of the deceased is also disappeared with her two children.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is non-else but the wife of the deceased, who have been living with the husband along with her three children. He further submits that from the FIR, it is evident that there is no eyewitness to the alleged occurrence and save and except the suspicion that the petitioner is found traceless just prior to the alleged occurrence and there was some quarrel between the deceased and his father-in-law. He next submits that during the course of investigation no independent witness has come forward to support the allegation and the postmortem report suggest the cause of death is strangulation, apart from multiple injuries found over the body of the deceased. While concluding his statement, he lastly submits that the petitioner is a lady, who lost her husband, albeit she is in custody since 03.07.2022.



On the other hand learned APP for the State vehemently opposes the bail application and submits that the disappearance of the wife of the deceased from his house along with two children suggest her involvement in the crime and the materials have come during the course of investigation, which also shows her involvement.

Regard being had to the submissions made on behalf of the parties and considering the fact that there is no eyewitness to the alleged occurrence and the entire case revolves around suspicion, apart from the fact the petitioner is a lady having fair antecedent, is in custody for over a period of more than six months and the investigation of the crime is already complete , let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 290 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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