

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68168 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- MAHARAJGANJ District- Siwan

SAIDA KHATOON Wife of Sheikh Dilsher R/v- Khanpura, P.S.-
Maharajganj, District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 68220 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. SHEIKH DILSHER S/O LATE SHEIKH AYAT HUSAIN Resident of village- Khanpura, P.S.- Maharajganj, District- Siwan.
2. NASRUDDIN S/O SHEIKH DILSHER Resident of village- Khanpura, P.S.- Maharajganj, District- Siwan.
3. FAKHARUDDIN S/O SHEIKH DILSHER Resident of village- Khanpura, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68168 of 2022)

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Binay Krishna, Advocate
	:	Mr. Kumar Rajdeev, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, A.P.P.
For the informant	:	Mr. S.B.K. Manglam, Advocate
	:	Mr. Awnish Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 68220 of 2022)

For the Petitioner/s	:	Mr. Binay Krishna, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2023 **CRIMINAL MISCELLANEOUS No.68168 of 2022**

Heard learned Senior counsel for the petitioner,



learned counsel for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned Senior counsel submits that petitioner is a person with clean antecedent and is a woman and is aged about 54 years and is in custody since 20.04.2022.

The informant alleges that his younger brother (deceased) was married to Afreen Khatoon, the daughter of the petitioner, it is next alleged that his brother was running an electronic shop near his matrimonial home and his wife used to reside with her parents, it is next alleged that wife was having an extra marital relationship with other persons and his brother opposed the conduct of his wife on several occasions, he was assaulted by the family members of his wife, it is next submitted that on 18.04.2022, the wife of his younger brother came to the shop and took him to her place where the accused persons including the petitioner assaulted him badly and thereafter threw his dead body 300 meters away from the house.



Learned counsel for the petitioner submits that petitioner has been falsely implicated being mother-in-law of the deceased, it is next submitted that it absolutely does not stand to reason that as to why the mother-in-law would indulge in killing her own son-in-law and thus made her daughter a widow, it is next submitted that informant is not an eye witness to the occurrence, it is also submitted that if what has been alleged by the informant is true then his brother ought to have instituted a divorce case for divorcing his wife, it is next submitted that the FIR does not disclose the date of marriage. It is next submitted that out of the wedlock two children were born, as such, the marriage was old and in the event, if what has been alleged by the informant is true then definitely the deceased would not have stayed with his wife, it is also submitted that after marriage no case came to be instituted by the deceased against his wife which also demonstrates that the allegation as alleged in the FIR is based on suspicion.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for bail of the petitioner.



The learned counsel for the informant submits that there are several eye witnesses to the occurrence who have seen the family members of the wife of the deceased including the petitioner who assaulted the deceased, it is further submitted that the driver of the accused persons before the police in his statement under Section 161 Cr.P.C. has disclosed that he had seen the occurrence where he saw all the family members assaulting the deceased.

The learned Senior counsel for the petitioner rebuts the submissions of the learned counsel for the informant and submits that if the driver had seen the occurrence as has been recorded in the Case Dairy, then definitely he was the first person to witness the occurrence but then he neither informed the informant nor informed the police which creates doubt with regard to the veracity of the statement as recorded by the police in the case diary.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Maharajganj P.S. Case No. 114 of 2022.

At this stage, the learned counsel for the informant submits that charges has been framed and the trial is proceeding.

In the event, if the learned Trial Court comes to a conclusion that petitioner after her release is trying to delay the trial in any manner the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

CRIMINAL MISCELLANEOUS No. 68220 of 2022

Heard learned Senior counsel for the petitioners, learned counsel for the State and learned counsel for the informant.

The petitioners seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned Senior counsel submits that petitioner no. 1 has antecedents of two cases and petitioner no. 2 and 3 have antecedents of one case each and is in custody since



16.05.2022.

Learned counsel submits that petitioner no. 1 is the father-in-law of the deceased and petitioner no. 2 and 3 is brother-in-law of the deceased.

The informant alleges that his younger brother (deceased) was married to Afreen Khatoon, the daughter of the petitioner, it is next alleged that his brother was running an electronic shop near his matrimonial home and his wife used to reside with his parents, it is next alleged that wife was having an extra marital relationship with other persons and his brother opposed the conduct of his wife on several occasions he was assaulted by the family members of his wife, it is next that on 18.04.2022, the wife of his younger brother came to the shop and took him to his place where the accused persons including the petitioner assaulted him badly and thereafter threw his dead body 300 meters away from the house.

Learned counsel for the petitioner submits that petitioner has been falsely implicated being father-in-law of the deceased, it is next submitted that it absolutely does not stand to reason that as to why the father-in-law would



indulge in killing his own son-in-law and thus make his daughter a widow, it is next submitted that informant is not an eye witness to the occurrence, it is also submitted that if what has been alleged by the informant is true then his brother ought to have instituted a divorce case for divorcing his wife, it is next submitted that the FIR does not disclose the date of marriage. It is next submitted that out of the wedlock two children were born, as such, the marriage was old and in the event, if what has been alleged by the informant is true then definitely the deceased would not have stayed with his wife, it is also submitted that after marriage no case came to be instituted by the deceased against his wife which also demonstrates that the allegation as alleged in the FIR is based on suspicion.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for bail of the petitioner.

The learned counsel for Informant submits that there are several eye witness to the occurrence who have seen the family members of the wife of the deceased including the petitioner assaulted the deceased, it is further



submitted that the driver of the accused persons before the police in his statement under Section 161 has disclosed that he had seen the occurrence where he saw all the family members assaulting the deceased.

The learned Senior counsel for the petitioner rebuts the submissions of the learned counsel for the informant and submits that if the driver had seen the occurrence as has been recorded in the Case Dairy, then definitely he was the first person to witness the occurrence but then he neither informed the informant nor informed the police which creates doubt with regard to the veracity of the statement as recorded by the police in the case diary.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Maharajganj P.S. Case No. 114 of 2022.

At this stage, the learned counsel for the informant



submits that charges has been framed and the trial is proceeding.

In the event, if the learned Trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

GauravSinha/-

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

