

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74724 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- RAMNAGAR District- West Champaran

Shahina Begam, W/O Hakim Miya, Resident Of Village- Mishkar Toli, Ward
No.-18, Ramnagar, P.S- Ramnagar, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ramnagar P.S. Case No.207/2023, lodged on 08.05.2023 under
Section 302 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged
to have killed the informant's husband by inflicting a knife
blow.

4. Learned counsel for the petitioner submits that
from the perusal of the FIR, this case appears to be a unique one
as the accused-petitioner (daughter-in-law of the deceased)
herself narrated his mother-in-law (informant) that she has
killed her father-in-law by inflicting knife blow and on that
basis, the mother-in-law (informant) has lodged the present FIR.



He further submits that the deceased tried to commit rape upon the petitioner and in defence, she inflicted a knife blow on the deceased. The petitioner is in custody since 09.05.2023 having no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the content of the FIR, the petitioner appears to be of 35 years of age whereas the deceased appears to be more than 60 years of age, therefore, the allegation of rape may not be accepted.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware of the fact whether the charge has been framed or not.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bagaha, West Champaran, in connection with Ramnagar P.S. Case No.207/2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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