

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71473 of 2022

Arising Out of PS. Case No.-376 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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1. SAYMA NAAZ WIFE OF MD. MAHTAB KHAN R/O VILLAGE/MOHALLA- PURANI QUAZI MOHALLA AURANGABAD, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD (BIHAR)
 2. HADISHAN @ HADISAH WIFE OF NAZIM RASHUL R/O VILLAGE/MOHALLA- PURANI QUAZI MOHALLA AURANGABAD, P.S.- AURANGABAD TOWN, DISTRICT- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 At the outset, learned counsel for the petitioner submits that petitioner no. 2, Hadishan @ Hadisah has been arrested during the pendency of the application and as such, the application against him become infructuous.

Accordingly, the application against the petitioner no. 2 is dismissed as infructuous.

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Aurangabad Town P.S. Case No. 376 of 2022 for the offence registered under Sections 307 and 504 of the Indian Penal Code later added Section 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the FIR, the informant alleged that while he



was moving on his car in the night, two accused persons on a motorcycle putting mask on their face opened fire which however, hit the dash board of his car and thinking that he has been killed announced that whosoever will try to oppose them, he will be killed. Accordingly, the FIR has been lodged.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that only to implicate his wife and mother-in-law, the present FIR has been lodged. The entire FIR looks filmy to say the least.

Learned APP for the State opposes the prayer for anticipatory bail.

Considering the aforesaid facts and the content of the FIR coupled with the fact that she is a lady and do not have criminal antecedent, no injury has been attributed to the informant, this Court is inclined to extend him privilege of bail.

Let the petitioner no.1, namely, Sayma Naaz in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 376 of 2022, subject to



condition as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

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

(iv) 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.

(v) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha-

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