

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71285 of 2022**

Arising Out of PS. Case No.-280 Year-2021 Thana- AAJAM NAGAR District- Katihar

SUBERA KHATOON @ SUBRA KHATUN Wife of Late Nahid Alam R/V-  
Gajhout, P.S- Azamnagar, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nafisuzzoh, Adv  
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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

3      21-04-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions  
Trial No. 220 of 2022 arising out of Azamnagar P.S. case No. 280  
of 2021 registered for the offence under Sections 302, 34, 412,  
120(B) and 201 of the Indian Penal Code.

The son of the informant is alleged to have been killed  
by the petitioner and her family members.

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, is innocent and  
has falsely been implicated in this case. He further submits that  
there is no eye witness to the alleged occurrence and merely on  
the basis of suspicion, the petitioner has been made accused in  
this case. In fact, the petitioner happens to be wife of the



deceased and she has not played any role in the alleged occurrence. Except suspicion, no cogent material has surfaced in this case against the petitioner to suggest the involvement of the petitioner in the alleged occurrence. He further submits that the husband of the petitioner accidentally fallen in the open septic tank and died. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.11.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 25.03.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that charge has been framed against the petitioner on 16.08.2022 and till date the prosecution has not examined any witness in this case.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future as there appears to be no substantial progress in the trial and the petitioner is languishing in judicial custody since 22.11.2021 i.e approx one and half year.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Katihar in connection with Sessions Trial No. 220 of 2022 arising out of Azamnagar P.S. Case No. 280 of 2021 with 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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 his 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)**

brajesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

