

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.72545 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- KISHANGANJ District- Kishanganj

1. Anjari @ Anjari Begum Wife Of Late Md. Saidul R/O Village- Malha, P.S.- Kishanganj, District- Kishanganj
2. Sahabari @ Sahabari Begum D/O Late Md. Saidul R/O Village- Malha, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-05-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail who are in custody since 20.05.2022 in connection with S.T. No. 152 of 2022/CIS No. 152 of 2022 arising out of Kishanganj P.S. Case No. 114 of 2022, F.I.R. dated 15.03.2022 for the offences punishable under Sections 302, 304B and 120B of the Indian Penal Code.

According to prosecution case, the petitioners along with other accused persons used to assault and torture the sister of the informant and in conspiracy, they have murdered the sister of the informant by slitting her throat.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact, the petitioner no. 1 namely, Anjari, is mother-in-law of the deceased and petitioner no. 2 namely, Sahabari is sister-in-law of the deceased. He further submits that the petitioners have no role at all in the alleged occurrence. He further submits that there is no eye witness of the alleged occurrence. He further submits that the statement of the petitioners have recorded during investigation in which they have categorically stated that the co-accused, namely, Anjar Alam who is the husband of the deceased has committed murder of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 20.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, III, Kishanganj in connection with S.T. No. 152 of 2022/CIS No. 152 of 2022 arising out of



Kishanganj P.S. Case No. 114 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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