

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77309 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- MANIHARI District- Katihar

TUBHIYA KHATOON W/O SHEIKH MEHANDI VILLAGE- BAULIYA
GUMATI, P.S. MANIHARI, DIST. KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Manihari P.S. Case No. 142 of 2023 registered for the offences
punishable under Sections 302 and 34 of the IPC.

3. As per prosecution case, petitioner and others
are said to have concertedly assaulted and abused informant and
his family member. It is further alleged that co-accused, Sekh
Sonu, is said to have stabbed informant's father who succumbed
to the injury during the course of treatment.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 22.06.2023 and bears no criminal
antecedent. Learned counsel orally submits that charge sheet has
been submitted in the case and there is no likelihood of



tampering with the prosecution evidence. He further submits that petitioner being a lady and there is no specific act attributed against the petitioner regarding the allegation made in the FIR. The act of stabbing informant's father is against co-accused, Sekh Sonu, and allegation against the petitioner is general and omnibus in nature. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner being a lady, there is no specific overt-act attributed against the petitioner, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 142 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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