

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15909 of 2024

Arising Out of PS. Case No.-63 Year-2004 Thana- SIKTI District- Araria

1. Yasmeen @ Asmeena W/O Taimul Hussain R/O Village- Parariya, P.S- Sikti, Distt.- Araria.
2. Tajufa @ Najefa W/O Mohammad Akhter R/O Village- Parariya, P.S- Sikti, Distt.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate Mr. Dheeraj Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-03-2024 Heard Mr. Rabindra Kumar Priyadarshi, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Sikti P.S. Case No. 63 of 2004, registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. It is alleged that while the son of the informant went to bring back his wife from his matrimonial home, the informant came to know that his son was lying unconscious near the house of Taimul @ Md. Taimul. When the informant reached there, his son disclosed the name of the petitioners alongwith other co-accused persons. Specific allegation has



been leveled against co-accused Taimul @ Md. Taimul and Jamil @ Md. Jamil. Petitioner no. 1 happens to be mother-in-law whereas petitioner no. 2 is the wife of the deceased, who subsequently married with Md. Akhtar.

4. Learned counsel appearing on behalf of the petitioner submits that from the narratives made in the FIR, prima facie the entire prosecution story appears to be false and concocted and in fact only on account of some strange relationship between the husband and wife, the present FIR has been instituted with a view to settle the score. Taking note of the aforesaid facts and having found no material during the course of investigation, final form has been submitted vide Annexure 4 to the application on 02.07.2007 itself, showing the petitioners as innocent. However, differing with the final report, the learned Court has taken cognizance for the offences under Section 302 and 34 of the Indian Penal Code against all the FIR named accused persons including the petitioners vide order dated 09.02.2011. Submission has been made that differing with the final report, the learned Court has taken cognizance but no process has ever been served upon the petitioners and being lady, they were not even aware as to the fact that any cognizance has been taken in the matter. He further drew the attention of



this Court to the postmortem report and submission has been made that no injury has been found over the body of the deceased which also falsifies the entire prosecution case and moreover, the petitioners had been allowed the privilege of anticipatory bail in the year 2007 itself however, at that point of time bail bond could not be furnished. Further co-accused persons, faced with identical situation moved before this Court in Criminal Misc. No. 6383 of 2024 and considering the totality of the facts, the learned Co-ordinate Bench of this Court has accorded the privilege of anticipatory bail vide order dated 20.02.2024.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that there is a huge delay in approaching the court as the cognizance was taken way back in the year 2011 itself.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are purdahnashin lady and the impugned order does not reflect that process has ever been served upon them and moreover during the course of investigation the police has submitted final report showing them innocent, coupled with the fact other co-accused persons against whom there was a specific allegation,



they have been allowed the privilege of anticipatory bail, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate in connection with Sikti P.S. Case No. 63 of 2004, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

