

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26890 of 2024

Arising Out of PS. Case No.-122 Year-2022 Thana- HASANGANJ District- Katihar

Gulshan Khatoon W/o Md. Afroj Resident of Village- Hasanganj, P.S.
Hasanganj, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuz zoha, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Nafisuz Zoha, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. Petitioner, who is in custody since 06.02.2024,
seeks bail in connection with Hasanganj PS Case No. 122 of
2022 registered on 06.10.2022 for the offences punishable under
Sections 302, 120(B)/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on
06.10.2022, the informant's son had gone to ease himself where
accused persons including the petitioner tied him in a palm
(Khajoor) tree and brutally assaulted him by *Lathi*, *Danda* and
iron rod who, later on, died at Sadar hospital during treatment.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has falsely been
implicated in the present case due to previous dispute between



the parties and there is case and counter case between the parties. The allegation levelled against the petitioner is false and fabricated. He further submits that from perusal of the F.I.R, it appears that there is no specific allegation of any assault or overt act against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused person, namely Hazra Khatoon, against whom there is similar allegation, has already been granted bail by this Court *vide* order dated 24.06.2023 passed in Cr. Misc. No. 9116 of 2023. Other co-accused persons, namely, Md. Abbas and Md. Firoz have also been granted privilege of bail by this Court *vide* order dated 19.04.2024 passed in Cr. Misc. No. 27125 of 2024 and the police after investigation submitted charge-sheet against the petitioner who is in custody since 06.02.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the similarly situated co-accused persons, as stated above, have been granted bail, the petitioner namely, Gulshan Khatoon is directed to 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 the learned Judicial Magistrate 1st Class, Katihar in connection with Hasanganj PS Case No. 122 of 2022, subject to the following conditions:-

(i) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) 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 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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