

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28266 of 2024

Arising Out of PS. Case No.-400 Year-2023 Thana- PHULWARIYA District- Gopalganj

Taira Khatoon W/o Hasim Miya R/o Village Manjha Chaturbhuj, P.S.
Phulwaria, Shreepur O.P., District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Phulwaria (Shreepur OP) PS Case No. 400 of 2023, dated 06-11-20223 instituted under Sections 147, 148, 149, 341, 323, 325, 307 and 302 of the Indian Penal Code.

3. The prosecution case, in short, is that on 06.11.2023 at 06.10 A.M. Rojid Miya and Rizwan Miya came their house from Hazaribagh by Scorpio bearing Reg. No. JH01FE0924. Rojid Miya, Rizwan Miya, Taira Khatoon (petitioner), Shabnam Khatoon and Shabu Khatoon having *lathi* and *danda* came at the house of the informant and started abusing. On protest made by father of the informant, namely, Usman Miyan, they assaulted him by *lathi* and *danda*. It is alleged that Rojid Miya asked his son Rizwan Miya to kill him by dashing with the vehicle. Thereafter, Rizwan Miya crushed to informant's father by Scorpio. As a result of which, he died on the spot. Ali Hussain, Noor Alam Ansari and Asif Raza tried to rescue him



then Rizwan Miya ran over the Scorpio on them. As a result of which, leg of Ali Hussain was broken and two others became injured. On information, police reached and sent the dead body of informant's father for postmortem to Sadar hospital, Gopalganj. Other three injured got their treatment in referral hospital, Hathua. The reason behind the occurrence is land dispute between the parties.

4. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in this case. It is further submitted that petitioner is a lady and she is a member of mob. No specific overact has been attributed against the petitioner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-XVI, Gopalganj in Phulwaria (Shreepur OP) PS Case No.400 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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