

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53635 of 2024

Arising Out of PS. Case No.-10 Year-2014 Thana- MURAR District- Buxar

Ashma Khatoon Wife of Late Saheb Jan Khan resident of village Pandeypur,
P.S.- Murar, Distt.- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saleha Khatoon Wife of Md. Hussain @ Md. Husen, D/O- Abdul Majid
resident of village- Belwaniyan, P.S.- Bihiya, Distt.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Murar PS Case No. 10 of 2014 dated 06-03-2014, instituted
under Sections 498A, 341,323,506,109 and 34 of the Indian
Penal Code.

3. The prosecution case, in short, is that the marriage
of the informant was performed with the petitioner in the year
1997. After marriage, her husband kept torturing regularly and
assaulting at the behest of his *Mausi* (petitioner). Tired of the
torture, she abandoned her matrimonial house and went to
native place with her two children in the year 2003. It is alleged



that after compromise, she returned to her in-laws house, but the behaviour of her husband was not changed. After returning to matrimonial house, the husband continued with his aggressive behaviour and repeatedly assaulted. It is further alleged the petitioner after the death of her husband, had kept regularly visiting in-laws house of the informant as she was in job of Indian Railway. The informant has alleged that her husband wants to kill her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in this case. The petitioner has no concern with the affairs of the informant and her husband. Both are living separately. At the time of occurrence, the petitioner was an employee in Indian Railways at Assam. Now, she has settled at her native place after her retirement. The petitioner has no knowledge about the filing of the present case. The main accused in the instant case is the husband of the informant. The husband of the informant is in custody since 16-02-2024. It is also submitted that there is no allegation of overt act against the petitioner. No specific allegation is alleged against the petitioner. The petitioner is the '*Mausi*' of the husband of the informant and an advanced age lady. Lastly, it is submitted that petitioner has no criminal



antecedents.

5. Learned APP has opposed the prayer for anticipatory 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- 1st Buxar, in Murar PS Case No. 10 of 2014, 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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