

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70235 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- MAINATAND District- West Champaran

AJMIRA KHATOON WIFE OF SHEKH HAZRAT ALI @ HAZRAT ALI @
SHEKH HAZRAT @ SHEIKH HAZRAT ALI RESIDENT OF VILLAGE -
BASTHA, POLICE STATION - MAINATAND, DISTRICT - WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abu Nasar, Adv.
For the Opposite Party/s : Mr.Uday Chand Prasad, APP.
Mr. Sujeet Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504 ,506 read with Section 34 of the Indian Penal Code. Later on, Section 302 of the IPC was added in the present case.

3. Allegedly, all the accused persons including the petitioner are said to have assaulted the informant's husband due to which he sustained injuries and later on he died during the course of his treatment. They also misbehaved with the informant as well.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence.



No such occurrence as alleged ever took place. She has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is specific allegation against co-accused Nawab Ali to assault the informant's husband by means of iron rod on his head due to which he died during the course of his treatment. From bare perusal of the case diary, petitioner can be said to be an order giver. There is violation of Section 82(4) of Cr.P.C. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail and submits that the process under Section 82 Cr.P.C. has been issued against the petitioner.

6. Having regard to the facts and circumstances of the case, as petitioner is a lady and there is no specific overt act against her, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court



in connection with Mainatand (West Champaran) P.S. Case No.
137 of 2022, subject to the condition as laid down under Section
438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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