

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75244 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- MUFFASIL District- West Champaran

FATMA KHATOON W/O. HAJARAT MIAN RESIDENT OF VILLAGE -
RUPDIH, P.S. - BETTIAH MUFASSIL, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-02-2024 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Bettiah Mufassil P.S. Case No. 57 of 2023 for the offence under Sections 341, 323, 324, 307, 379 and 34 of the I.P.C. lodged on 23.01.2023, by the informant, Meraj Ansari.

3. As per the prosecution story, the informant alleged that his elder brother had gone out to attend the function but failed to return. Later, he was found with multiple injuries and in serious condition, taken to GMCH, Bettiah and referred to PMCH, Patna, whereafter four days, he succumbed to his injuries. Accordingly, the FIR.

4. Subsequently, the investigation took place and it came to light that the deceased was having a illicit relationship with Samina Khatoon and while her husband was away, he (the deceased) came and in the backyard, they were seen in compromising position by this petitioner, whereafter on her 'hulla', the villagers assembled and brutally assaulted the



deceased. All this has been confessed by Samina Khatoon in her confessional statement before the police.

5. Learned counsel for the petitioner submits that she had no role to play and in a zeal to implicate everyone, her name was also dragged in as also her husband's. Learned counsel for the petitioner further submits that she is a lady, having no criminal antecedent and is ready to cooperate in the investigation/trial.

6. Learned APP opposes the prayer stating that on her '*hulla*', the villagers assembled resulting into the assault followed by death.

7. Though the allegation is there against the petitioner, she is a lady, the name has come in the confessional statement of Samina Khatoon, do not have any criminal antecedent and the role of assault is not on her, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Bettiah, West Champara in connection with Bettiah Mufassil P.S. Case No. 57 of 2023



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

9. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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