

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78729 of 2023**

Arising Out of PS. Case No.-442 Year-2022 Thana- PHULWARISHARIF District- Patna

Shahnaj Praveen @ Sahnaz Praveen @ Shahnaaz Parween Wife Of Late Md. Zaffaruddin, Resident Of Village -Nausa, Karbala Road, Tajnagar, P.S.- Phulwarisharif, District - Patna, Pin Code- 801505.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Madhumay Madhup, Advocate  
For the Opposite Party : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      05-07-2024                      Heard Mr. Madhumay Madhup, the learned counsel for the petitioner, learned counsel for the informant and Mr. Shailendra Kumar, the learned Additional Public Prosecutor for the State.

2.                      Petitioner seeks regular bail who is in custody since 27.06.2022, in connection with Sessions Trial No. 183 of 2023, arising out of Phulwari Sharif P.S. Case No. 442 of 2022, FIR dated 02.05.2022, registered for the offences punishable under Sections 302, 201 and 120(B)/34 of the Indian Penal Code.

3.                      According to the prosecution case, the informant, later at night, heard some noise and she went out of her room and saw two unknown persons scuffling with her husband and she was knocked down to unconsciousness. When the informant



opened her eyes in the morning, she found her husband lying down in the pool of blood.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case and she is not named in the FIR. He further submits that the name of petitioner transpired during investigation on the basis of the self-confessional statement of the petitioner and statement of other persons including the son of the petitioner. He further submits that from the statement of the son of the petitioner, which was recorded in paragraph no. 57 of the case diary, it transpired that the co-accused person namely, Nanhe @ Kamal had assaulted the deceased and there is no accusation against the petitioner and at best the petitioner was a member along with the co-accused Nanhe @ Kamal, against whom there is allegation, has been granted regular bail by this Court vide order dated 28.08.2023 passed in Cr. Misc. No. 21357 of 2023.

5. Vide order dated 27.03.2024, a report was called for with regard to the stage of the trial and report dated 06.04.2024 of the learned trial Court reveals that charge has been framed against the petitioner and another co-accused persons on 21.07.2023 and out of nine prosecution witnesses,



the prosecution has not examined any witnesses as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 27.06.2022.

7. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that plenty of evidence has come during investigation which suggests the involvement of petitioner in the present crime in question.

8. Considering the aforesaid facts and circumstances, the report of the learned trial Court and the petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XXI at Patna, in connection with **Phulwari Sharif P.S. Case No. 442 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 learned trial Court and shall remain physically present as



directed by the learned trial Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed her criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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)**

Shahnawaz/-

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