

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19207 of 2025

Arising Out of PS. Case No.-1303 Year-2023 Thana- PHULWARISHARIF District- Patna

Akhtari Khatoon @ Afatari Khatoon Wife of Md. Salim Resident of village -
Bhusaula Ward no. 8 Danapur, P.S.- Phulwari Sharif, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 1303 of 2023 instituted for the
offence under Sections 302 & 34 of the Indian Penal Code.

3. As per the prosecution case, the victim was married
to one Ajmeri Khatoon and at the time of occurrence was
staying with the in-laws. The informant, who is the brother of
the deceased, alleged that they got telephonic information from
Ajmeri Khatoon regarding death of his brother following illness
for four to five days. Accordingly, they went there and saw mark
on the neck, found it suspicious. Hence, the FIR.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 10-09-2023. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Ajmeri Khatoon and the same has no evidentiary value in the eye of law. It is alleged that Ajmeri Khatoon has confessed her guilt but even in her confessional statement there is no direct or specific allegation against the petitioner. Charge sheet in this case is submitted. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 25-09-2024, passed in Cr. Misc. No. 56539 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. As per postmortem report, doctor has opined that death is due to asphyxia and venous congestion; howsoever, opinion regarding manner of death is kept reserved. Other witnesses have also supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no



direct allegation against the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwarisharif P.S. Case No. 1303 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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