

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21031 of 2025

Arising Out of PS. Case No.-1344 Year-2024 Thana- PHULWARISHARIF District- Patna

Md. Halim S/o- Md. Jaffar @ Jafar @ Md. Jafar, R/o Village- Gulistan
Behind Islamia, B.Ed College, PS- Phulwarisharif, Dist- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with
CRIMINAL MISCELLANEOUS No. 21201 of 2025

Arising Out of PS. Case No.-1344 Year-2024 Thana- PHULWARISHARIF District- Patna

Farjana Khatoon W/o- Late Md. Jahagir, R/o Village- Rahmat Colony, Naya
Tola, Renter House of Guddu T.V Bala, PS- Phulwarisharif, Dist- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :
(In CRIMINAL MISCELLANEOUS No. 21031 of 2025)
For the Petitioner : Mr. Amish Kumar, Advocate
For the Informant : Mr. Surendra Kumar Mishra, Advocate
For the State : Mr. Md. Nazir Ansari, APP
(In CRIMINAL MISCELLANEOUS No. 21201 of 2025)
For the Petitioner : Mr. Aryan Singh, Advocate
For the Informant : Mr. Surendra Kumar Mishra, Advocate
For the State : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-08-2025 Both the criminal miscellaneous petitions have

arisen out of the same police station case number, hence they are

being heard together and decided by a common order.

2. Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

3. In the present case, the petitioners seek bail in



connection with Sessions Trial No. 39 of 2025, arising out of Phulwarisharif P.S. Case No. 1344 of 2024, registered for the offence punishable under Section 103(1) read with Section 3(5) of the BNS.

4. As per the prosecution case, the petitioners and co-accused assaulted the father of the informant and co-accused put him down causing fracture of his head. When the informant intervened, he was also assaulted and he ran away from the spot. Later on, the informant called Police on 112 and went to the house of his father where the petitioner Farjana Khatoon, the step-mother of the informant did not allow him to see his father and she further stated that everything was normal and he could meet his father in the morning.

5. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the case of the prosecution as put forward by the informant is simply not believable. If the petitioners, who are wife and nephew of the deceased, had been assaulting the father of the informant, there was no occasion for them to take him back to his house. Moreover, from the FIR, the allegation of causing injury on head is on the co-accused Farhan and not against the



petitioners. The *post-mortem* report shows the reason of death is head injury. Therefore, there is no allegation of causing any injury to the deceased against the petitioners which might have proved fatal. He further submits that it is apparent from the FIR that the petitioner Farjana Khatoon is step-mother of the informant and father of the informant is staying with her. There has been continuous quarrel between the informant and his father who used to drink liquor and in an inebriated condition he received some injuries and was brought to his house by the petitioners, but he died subsequently and taking advantage of this fact, the informant made the petitioners and the co-accused, accused in the present case. Learned counsel further submits that if the informant went to the house of the petitioner Farjana Khatoon with the Police, it is not believable that they returned without seeing or meeting the deceased only on saying of the petitioner that everything was normal. If he was injured, it was natural that informant or the Police would have taken the deceased to the hospital for treatment. Learned counsel for the petitioner further submits that the prosecution case is not believable. Learned counsel next submits that petitioners are having clean antecedents and chargesheet has been submitted against them. Learned counsel lastly submits that petitioner in



Cr. Misc. No. 21031 of 2025 is in custody since 25.11.2024 and petitioner is Cr. Misc. No. 21201 of 2025 is in custody since 10.09.2024.

6. Learned counsel for the informant as well as learned A.P.P. appearing on behalf of the State oppose the submissions made on behalf of the petitioners. Learned counsel for the informant submits that the FIR and the further statement of the informant shows the petitioner Farjana Khatoon hit on the head of the father of the informant with a pipe and due to assault by the petitioners and co-accused, the father of informant lost his life.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that specific allegation of causing fatal injury is against the co-accused and further considering the period of custody of petitioners, submission of chargesheet against them and their clean antecedents, the petitioners, above-named, are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXXII, Patna / concerned Court, in connection with **Sessions Trial No. 39 of 2025, arising out of Phulwarisharif**



P.S. Case No. 1344 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.*
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial Court.*
- (iii) In case of non-appearance of the petitioners on single date or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.*

(Arun Kumar Jha, J)

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