

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52350 of 2025**

Arising Out of PS. Case No.-114 Year-2022 Thana- MAHARAJGANJ District- Siwan

Afrin Khatoon Wife of Late Kausar Ali village- Khanpura, Ps- Maharajganj,
Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rananjay Kumar
For the Opposite Party/s :	Mr.Tapeshwar Sharma, APP
	Mr. Prasoon Shekhar
	Mr. Rajesh Kumar
	Mr. Uday Pratap Singh
	Mr. Ankit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-09-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case. It is next submitted that
informant, who is brother of the deceased, alleges that his
younger brother was married to the petitioner, it is next alleged
that his brother was running an electric shop near his
matrimonial home and his wife used to reside with her parents,



it is further alleged that wife was having an extramarital relationship with another person and his brother opposed the conduct of his wife on several occasions, on account of which he was assaulted by the family members of his wife. It is also alleged that on 18-4-2022, the wife of his younger brother came to the shop and took him to her place where the accused persons were present from before and they assaulted him badly and thereafter threw his dead body 300 meters away from the house.

4. The learned counsel for the petitioner submits that petitioner is the wife of the deceased and is in custody since 4-12-2024. It is next submitted that informant is not an eye witness to the occurrence nor he discloses that on what basis he came to know that the occurrence has been committed by the accused persons including the petitioner. It is further submitted that deceased was married to the petitioner in the year 2012 and out of the wedlock, two children were born, who presently are aged about 8 years and 6 years. It is submitted that though in the FIR it is alleged that petitioner was having an extramarital relation but then the name of the person with whom she was having an extramarital relation is not disclosed in the FIR, which casts an aspersion on the case of the prosecution. It is also submitted that had the petitioner been in extramarital



relation with someone, in that event the deceased would either have filed an application seeking divorce or would have disclosed the name of the person to the informant, who is his brother, but since name of the person, with whom it is being alleged that petitioner was having an extramarital relation, is not disclosed in the FIR, as such an aspersion on the case of the prosecution is cast for the reason that the said allegation has been alleged only to give seriousness to the case. Learned counsel also submits that charges have been framed, trial has commenced and out of 12 witnesses, one witness has been examined. It is submitted that petitioner will not abscond rather will cooperate in the trial to prove her innocence.

5. Learned APP for the State and learned counsel appearing on behalf of the informant opposes the prayer for bail. The learned counsel for the informant relying on the judgement of the Hon'ble Supreme Court in the case *X vs. the state of Rajasthan and Anr.* in *SLP (Cri) No. 13378 of 2024* submits that the Hon'ble Supreme Court in the said case had observed that courts should be loath in granting bail in cases involving serious offences and moreso where trial has commenced.

6. The learned counsel appearing on behalf of the petitioner submits that it is difficult to countenance the



submission made by the learned counsel appearing on behalf of the informant based on the order of the Hon'ble Supreme Court but then it is submitted that facts of the case also is to be appreciated.

7. At this stage the learned counsel appearing on behalf of the informant submits that though the name of the petitioner transpired in the FIR in the year 2022 itself but then she was evading arrest for about 2 years and finally she was arrested after process under Sections 82 and 83 Cr.P.C was issued. The said submission of the learned counsel appearing on behalf of the informant is not rebutted by the learned counsel appearing on behalf of the petitioner but then it is submitted that petitioner being wife has been falsely implicated and had two children to look after, as such she was seeking her remedy available in law.

8. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Maharajganj P.S. Case No. 114 of 2022.



9. However, it is made clear that if the learned trial court comes to a conclusion that the petitioner after her release is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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