

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53489 of 2025

Arising Out of PS. Case No.-203 Year-2023 Thana- KARJA District- Muzaffarpur

Shamma Khatoon @ Shamma Parveen D/O Md. Rahmat Ali R/O Vill.-
Madho Chapra, P.S.- Karja, Dist.- Muzaffarpur- 843161

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aditi Medha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-08-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 328, 302
and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman and
the informant alleges that petitioner was married to his son who
resided with the petitioner at her parental home. Further, the
petitioner was high headed and was having an extra marital
relation with an unknown person. The informant next alleges
that petitioner in connivance with other accused persons
poisoned his son to death on 17.06.2023.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the



informant. It is further submitted that informant is not an eyewitness to the occurrence. It is next submitted that petitioner was married to the deceased in the year 2019 and in between 2019 till 2023 no case ever came to be instituted either by the deceased or his father i.e. the present informant alleging about the misbehaviour being meted out to the deceased at the hands of the petitioner. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant himself alleges that he got information that his son has been poisoned and thus has been admitted in a hospital at Badkagaon. It is submitted that had the petitioner been involved in the occurrence in that event efforts would have been made to dispose of the dead body with a view to conceal the evidence and the victim would not have been admitted in a hospital. It is further submitted that any unnatural death leads to postmortem moreso if the death occurs in a hospital. It is thus submitted that had the petitioner poisoned the deceased to death in that event the dead body would have been disposed of with a view to conceal the evidence instead of admitting the victim in the hospital. It is next submitted that as far as allegation of having extra marital relation is alleged, the same is an exaggerated allegation with a view to give serious colour to the case. It is



fairly submitted that it is not in dispute that the occurrence took place while deceased was residing with the petitioner but then no wife would kill her own husband for becoming a widow. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove her innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five 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 Karja P.S. Case No. 203 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.



8. It is made clear that if charge-sheet is submitted connecting the petitioner with the offence in that event, the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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