

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28430 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -NARPATGANJ District- ARRARIA

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Gulshan Khatoon W/o Jiyauddin Resident of Village Bardaha P.S.
Narpatganj District Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Pd. Singh

For the Opposite Party/s : Mrs. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 28-07-2016 Heard Sri Anil Prasad Singh, learned counsel for the

petitioner, Smt. Madhuri Lata, learned A.P.P. as well as learned
counsel , who has voluntarily appeared on behalf of the informant.

The petitioner , who is a lady , has approached this
court apprehending her arrest in connection with Narpatganj P.S.
Case No. 02 of 2016 registered for the offence under section 147,
148, 149, 324, 323, 302 of the Indian Penal Code , for grant of
anticipatory bail.

It was submitted by learned counsel for the petitioner
that the informant is the eye witness of the occurrence and in the
F.I.R. the informant has made categorical statement that six
accused persons firstly assaulted the informant, in the meanwhile
his son arrived to save him and thereafter all the F.I.R. named



accused persons started assaulting his son brutally. Subsequently his son was carried to hospital where he was declared dead. It has been argued that in the F.I.R. there is specific accusation against named persons without any whisper regarding the presence of the petitioner. There was no reason to implicate the petitioner, however only with a view to implicate this petitioner also further case was developed and during investigation something has been indicated as if petitioner was also present there.

Learned A.P.P. as well as learned counsel for the informant has voluntarily opposed the prayer on the ground that it is a case under section 302 of the Indian Penal Code and as such petitioner's prayer for anticipatory bail be rejected

Besides hearing I have perused the material on record. Since in the F.I.R. informant has made categorical statement against six named accused persons without any indication of presence of the petitioner, the court considers that the petitioner being lady and not named in the F.I.R. certainly is entitled to get the privilege of anticipatory bail. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Gulshan Khatoon be enlarged 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 Chief Judicial Magistrate, Araria / concerned court in connection with Narpatganj P.S. Case No. 02 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

Praful/-

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