

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1047 of 2016

Arising Out of PS.Case No. -436 Year- 2016 Thana -MUZAFFARPUR SADAR District-
 MUZAFFARPUR

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1. Shila Devi @ Sushila Devi, wife of Umesh Paswan, resident of Village:-
 Dumari, Manjhauliya, P.S.:- Sadar, District- Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Alok -Advocate

For the Respondent/s : Mr. Binay Krishna-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 29-03-2017 Heard learned counsel for the appellant as well as
 learned Special Public Prosecutor.

On account of having been dashed by a tractor against the appellant, Shila Devi @ Sushila Devi, she fell down. The driver of the tractor was apprehended by her family members, who demanded money for treatment. Driver had informed the deceased Santosh Chaudhary, who happens to be owner of tractor, who came along with Rs.20,000/- followed by the informant as well as Raushan Kumar, Ravi Ranjan Sah, Guddu Kumar, Rakesh Kumar Paswan, Abhimanyu Kumar and Dinesh Razak. They came at the house of appellant, Shila Devi, where so many persons including the appellant were present, out of whom, Binod Kumar Singh, Renu Devi and Golu Kumar



abused by caste name and then, lifted Santosh Chaudhary inside the house of the appellant where he was assaulted with fists and slaps and then, Umesh Paswan, husband of the appellant gave *Hasuli* blow over his neck, Mahesh Paswan gave *Hasuli* blow over leg. Sunil Paswan took away Rs.20,000/-. Then thereafter, deceased was also assaulted with brick particle.

It has been submitted on behalf of appellant that when appellant was dashed against tractor on account thereof, it could not be presumed that she was in a position to participate during course of commission of the crime. Furthermore, referring Annexure-2, a prescription issued by the Sadar Hospital, it has been submitted that appellant was admitted at Sadar Hospital on 10.08.2016 itself, which is found duly corroborated by Para-41 of the case diary. Apart from this, it has also been submitted that no specific allegation has been attributed against the appellant. It has also been submitted that the main assailant, Umesh Paswan, her husband happens to be under custody.

On the other hand, learned Special Public Prosecutor opposed the prayer.

From Annexure-2, it is evident that appellant was admitted at Sadar Hospital on 10.08.2016 itself and was discharged on 17.08.2016 while from Paragraph-48 of the case



diary, it is evident that appellant along with others including her husband was produced before the Magistrate on 11.08.2016 itself and on account thereof, genuineness of Annexure-2 has become under cloud. Furthermore, the manner of occurrence suggest active involvement of the appellant, because of the fact that deceased was lifted inside her house where he was brutally assaulted being in hapless condition.

On account thereof, I am not inclined to grant the appellant on bail. Accordingly, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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