

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24583 of 2017

Arising Out of PS.Case No. -128 Year- 2004 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

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Babita Kumari, Daughter of Ramanand Thakur, Resident of Mohalla-
Brahampura, P.S. Brahampura, District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 08-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in Kazi Mohammadpur P.S. Case No. 128 of 2004 instituted for the offence under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged in the written report that on the date of occurrence, while father of the informant was returning along with his grand-son (*Nati*) from the school, and when he reached near the house of Choudhary Jee, this petitioner along with Ramesh Thakur came on motorcycle and fired on the father of the informant, on account of which, the father of the informant fell down. Thereafter, both the accused persons fled away. The informant along with villagers reached near father of the informant but by that time he was dead.

Learned counsel for the petitioner has submitted that



earlier police has submitted Final Form against this petitioner. The learned Magistrate has taken cognizance against this petitioner along with other accused persons for the offence under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Case diary has been received.

The learned A.P.P. has submitted that in the case diary, the informant in her further statement made in paragraphs 10 and other witnesses in paragraphs-13, 14, 15, 16 and 17, have levelled specific allegation of causing firearm injury on the father of the informant by this petitioner.

The doctor has found three firearm injuries in the post mortem report.

It has been submitted on behalf of the petitioner that during investigation, there was no specific allegation against the petitioner. Subsequently, after one year, the allegation has been levelled against the petitioner by the witnesses.

This Court is of the view that these are good grounds to be taken by the petitioner at the time of surrender in the court below which shall be considered by the court below in accordance with law without being prejudiced by this order.

This Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.



The petitioner may surrender before the court below and make prayer for regular bail which shall be disposed off in accordance with law without being prejudiced by this order.

S.Ali/-

(Sanjay Priya, J)

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