

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22476 of 2020

Arising Out of PS. Case No.-59 Year-2020 Thana- SHAHKUND District- Bhagalpur

SAMA PARVEEN @ BIBI LACHHO, (Female), aged about 35 years, Wife of Md. Gulshad @ Md. Gulshad Khan, Resident of Village- Juakhar, P.S.- Shakhund, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate and Md. Najmul Hodda, Advocate.

For the Opposite Party : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending her arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 324, 325, 354, 307, 379, 506 and 120(B) of the I.P.C.



The prosecution story, in brief, is that on 15.03.2020 at about 5.30 P.M., the informant's brother, namely, Meharban Khan with his wife namely, Mojhabi Khatoon were returning from his in-law's house and when they reached near *Charkhetia Pool*, suddenly, petitioner and other accused persons having weapons and sword in their hands assaulted them causing hand and neck injuries. When Mojhabi Khatoon came to save her husband, all accused persons assaulted her and snatched gold chain and cash of Rs. 25,000/-. Co-accused Md. Laddan and Md. Chhotu assaulted the informant's brother with sword and co-accused Bibi Sahnaz snatched cash and gold chain. The reason behind the occurrence is due to land dispute.

It has been submitted by learned senior counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case due to land dispute. There is no allegation of tampering with the witnesses alleged against the petitioner. The case was instituted for the offence under Section 307 and other allied Sections of the I.P.C. Subsequently, Mojhabi Khatoon died during the course of treatment on 17.03.2020. A requisition was made on 20.03.2020 by the Investigating Officer to add Section 302 of the I.P.C. In light of the said requisition now the present case is



for the offence under Section 302 and other allied Sections of the I.P.C. The petitioner is a lady. Neither there is any allegation of assault alleged against the petitioner nor any specific injury is attributed against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on her personal bond to the satisfaction of the learned S.D.J.M., Bhagalpur, in connection with Shahkund (Sajour) P.S. Case No. 59 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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