

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27331 of 2020**

Arising Out of PS. Case No.-52 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Shakuni Devi, wife of Sri Prakash Saw, Resident of Village - Naya Tola, Ward
No. 10, Lakhisarai, P.S. and District - Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 22-12-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.

Sharda Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Lakhisarai P.S. Case No. 52 of 2020 registered

for the offence under Sections 147, 149, 341, 323, 337, 307, 302

of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner and the informant are next door neighbours. The

deceased is brother of the informant. Allegation against the

petitioner is that while the deceased was closing his egg shop



near the gate of K.S. College, the informant heard shouting and when he went near the shop of brother he found that his neighbour Sunny Kumar and Bajrangi Saw and other three unknown boys were present and were involved in dispute for eggs.

It is alleged that in the said dispute Prakash Saw and his son Sunny and Bajrangi made the brother of the informant injured by assaulting using cycle chain, rod and brick and when the informant went to rescue his brother then the informant was also assaulted by the bricks causing injury on his forehead. At this stage, it is alleged that in course of fighting father and mother of Sunny also came there and all of them thrashed the brother of the informant by putting him down by cycle chain and rod and causing serious injury on his person.

Learned counsel for the petitioner submits that this petitioner is the mother of co-accused Sunny and from the first part of the allegations in the F.I.R. it would appear that she was not present at the place of occurrence when the brother of the informant was allegedly assaulted by cycle chain, rod and bricks.

It is further submitted that in the later part of the F.I.R. it is alleged that while the informant and his brother had already



been assaulted by the co-accused, another brother of the informant came there and at this stage the petitioner also reached there. Thereafter, the same allegation has been repeated. The allegation against the petitioner is general and omnibus and if it is seen together with the injury found on the dead body in course of post-mortem it would appear that the deceased had suffered one injury on the right side of the occipital area of the scalp and there was bruises above left eye and in the left side parietal area there was a stitched wound. It is submitted that by incorporating the name of this petitioner in the later part of the F.I.R. she has been falsely implicated.

Ms. Sharda Kumari, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the allegation against the petitioner is that while the assault was taking place she had also reached the place of occurrence and she was among the other co-accused in assaulting the brother of the informant who ultimately died. So far as the injury received by the informant is concerned, it is pointed out that he has received simple injury.

This Court has further been informed that there is a counter case as contained in Annexure '2' to the present application which has been lodged by this petitioner. She has



given altogether a different story and according to her there was a scuffle between her son Sunny Kumar and the deceased and while she was bringing her back, she was badly assaulted by the deceased and his brothers as also other female members of the family. The injury report of this petitioner is available with the case diary which shows lacerated wound at the parietal region oozing blood and there were other injuries for which she was initially locally treated but later on brought to Patna Medical College and Hospital where C.T. scan of brain has been done and it has revealed cortical haemorrhage contusions in frontal parietal lobes and atrophic changes in paranchyma. The injuries have been caused by hard and blunt substance. The petitioner was later on released from the hospital but she was taken into custody in connection with the present case.

Having regard to the facts and circumstances of the case wherein there is a case and counter case between the parties, they are next door neighbours, the present F.I.R. contains an allegation at first instance that the co-accused had assaulted the deceased and only at a later stage this petitioner had reached at the place of occurrence, the allegation against her is general and omnibus saying that she had also been involved in assault, Annexure '2' which is the F.I.R. of the counter case



and the injury report of the petitioner giving an impression that the petitioner was also assaulted, she has remained in jail for over ten months, in the nature of the materials available on the record, this Court directs the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 52 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that she will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

