

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6169 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- THAWE District- Gopalganj

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Shamsa Khatun, aged about 42 years (Female), Wife Of Mohmood Alam @
Bodh, R/O Village- Mir Alipur,P.S.-Thawe, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party : Mr. Sakir Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2022 Due to the third wave of 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.

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

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending her arrest in
connection with Thawe P.S. Case No. 135 of 2020 for the
offence registered under Sections 341, 323, 324, 307, 504 and
506/34 of the I.P.C.

The prosecution story, in brief, is that on the alleged
date and time of occurrence, the informant Shami Ullah and



others was digging foundation in front of his house at the same time petitioner and other co-accused persons came there and started assaulting with an intention to kill them. In course of altercation, co-accused Mahmod Alam assaulted the informant and others by Iron rod and Shamsa Khatooon (petitioner) assaulted to aunt of the informant and she caused injuries on her hand (Pajri) and blood was oozing. Hence, the F.I.R.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. She has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is a lady. The allegation of assault is alleged against the petitioner and the co-accused. From perusal of the injury report, it appears that nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. Rests of the offences are triable by the Magistrate.

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

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of



covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on her personal bonds to the satisfaction of the learned C.J.M., Gopalganj, in connection with Thawe P.S. Case No. 135 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 eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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