

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7907 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- JALALGARH District- Purnia

1. MD SHAMSHAD @ SAMSAD S/O Naimuddin R/O Village- Bochgaon, P.S- Jalalgarh, District- Purnea
2. Sabina Khatoon W/O Samsad R/O Village- Bochgaon, P.S- Jalalgarh, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-05-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners submits that during the pendency of this application the petitioner no. 1 has been arrested. Accordingly, this application, against the petitioner no. 1, stands dismissed as infructuous.

In so far as petitioner petitioner no. 2 is concerned, she apprehends her arrest in connection with Jalalgarh Police Station Case No. 141 of 2022 dated 12.08.2022, disclosing offences under Section 341/323/427/504/302/34 of the Indian Penal Code.

The prosecution story, on the basis of the First



Information Report, is that the nephew of the informant was being beaten while he was playing in the mango orchard by Md. Razik, who was also trying to strangle him. The informant went there and rescued his nephew. After some time, Md. Razik and Murshid and other twelve to thirteen accused persons arrived at the house of informant's sister. When father of the informant tried to pacify the dispute, the accused persons assaulted him by means of lathi, danda etc. and one Murshid assaulted on the head of informant's father by wooden frame of window due which he received injury on his head and subsequently he died.

Learned Counsel for the petitioners submits that the petitioners along with the entire family members have been made accused in this case on some trivial issue of hitting the nephew of the informant. The petitioner no. 2 is a lady and entire lady members of the family have been made accused in this case on the basis of general and omnibus allegation. Referring to the postmortem report, learned counsel submits that there is specific allegation, in the First Information Report, is upon Murshid, who assaulted informant's father by means of wooden frame of window and the cause of death mentioned in the First Information Report, as opined by the doctor, is shock



and hemorrhage due to head injury caused by heavy and sharp object and cause of death does not corroborate with allegation made against the petitioner no. 2.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that allegation against the petitioner no. 2 is general and omnibus in nature, the specific allegation of assault on the head of deceased is upon co-accused and the petitioner is a lady, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Sabina Khatoon, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Jalalgarh Police Station Case No. 141 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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