

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 59596 of 2023

Arising Out of PS. Case No.-222 Year-2023 Thana- BIBHUTIPUR District- Samastipur

RANI DEVI Wife of Lalan Singh R/o vill - Shivnathpur, P.S. - Bibhutipur,
Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kanika, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Shubhesh Pandey, Advocate
		Mr. Vinit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2023 Heard Ms. Kanika, learned Counsel for the petitioner as also Mr. Shubhesh Pandey, learned Counsel for the informant and Mr. Anuj Kumar Shrivastava, learned APP.

2. The petitioner is apprehending her arrest in connection with Bibhutipur P.S. Case No. 222 of 2023 for the offence under Sections 341, 342, 302, 120-B, 34 of the I.P.C. and section 27 of the Arms Act lodged on 24.06.2023 by the informant, Arjun Singh.

3. As per the prosecution story, the informant Arjun Singh alleged that on 23.06.2023, his daughter Komal Kumari was returning from coaching alongwith her friend Anupriya. When named accuseds alongwith 4-5 unknown persons surrounded her. The informant was also going to his field taking the same route. Further, on the investigation of Lalan Singh and



Samir Bharti accused Kundan Kumar shot his daughter in the head. Thereafter, the accused Lalan Singh and Samir Bharti fired indiscriminating before leaving the place. The informant reached near his daughter. Allegation against this petitioner is that she was uttering that failure to marry the accuseds has resulted into the death. Accordingly the FIR.

4. Learned Counsel for the petitioner submits that the specific allegation is against Kundan Kumar of having shot dead the informant's daughter by opening fire which hit her head. So far as this petitioner is concerned, the only allegation is that she was using abusive language.

5. Learned Counsel for the informant submits that she is not a house lady rather a politician and subsequently, raid was conducted and arms were also recovered from her house for which another FIR has been lodged.

6. To this, learned Counsel for the petitioner submits that it is a joint house and the recovery cannot be attributed to her and in any case, the present petition relates to unfortunate killing of a girl.

7. Learned APP opposes the prayer but concedes that specific allegation is against Kundan Kumar.

8. Taking into account the aforesaid facts/submissions



as also that the main allegation is against Kundan Kumar of opening fire which hit the head of the informant's daughter causing her instant death; only use of abusive language is against the petitioner, is a lady and do not have criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail with conditions.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Rosera (Samastipur), in connection with Bibhutipur P.S. Case No. 222 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;



(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

10. With the aforesaid observations, the anticipatory bail application is allowed.

11. Before parting, this Court would like to put on record its word of appreciation for Ms. Kanika, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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