

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1114 of 2024

Arising Out of PS. Case No.-576 Year-2023 Thana- NARPATGANJ District- Araria

Shajada Praween @ Shajada Khatoon @ Shajida Praween Wife of late
Wasiruddin Resident of village - Gokhlapur, Ward No.2, P.S. - Narpatganj,
Distt. - Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mahendra Thakur
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 04-04-2024 1. Heard learned counsel for the appellant and the learned Special Public Prosecutor for the State.
2. The appellant has challenged the order dated 07.02.2024 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, Araria in connection with Narpatganj P. S. Case No.576 of 2023, instituted for the offences under Sections 341, 323, 324, 332, 353, 504, 506, 354 and 34 of the Indian Penal Code, Section 21(a) of the N.D.P.S. Act and Section 3(i) (r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and Sections 3 and 4 of the Prevention of Damage to Public Property Act, whereby her prayer for grant of anticipatory bail has been rejected.
3. The learned counsel for the appellant submits that



appellant is a person with clean antecedent and is a woman and has been falsely implicated in the instant case by the informant on the ground that she is mother of Shafiullah @ Dablu and Habibulla. It is next submitted that informant alleges that an information was received that Shafiullah @ Dablu and Habibulla are indulging in selling Corex Syrup from their residence. Accordingly, the police personnel formed a team and conducted a raid and found Corex hidden beneath the bed without supporting documents. Accordingly, Shafiullah @ Dablu and Habibulla were arrested and while they were taken to the police station, it is alleged that 15-20 unknown accused along with Md. Minnatullah and the appellant came and started pelting stones and even assaulted the police officers with stick, rod, knives and axes causing injury on police personnel. However, three persons were arrested and the knife used in the occurrence was seized.

4. The learned counsel for the appellant submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the thrust of the allegation of indulging in selling Corex syrup is against Shafiullah @ Dablu and Habibulla. It is next submitted that based on the allegation that they were indulging in selling Corex, the case was also



instituted under the N.D.P.S. Act, but then, as far as allegation of assault and abuse is concerned, the allegation is general and omnibus in nature, in so far as this appellant is concerned. It is further submitted that it is not the case of the prosecution that the appellant in any manner was indulging in selling Corex syrup nor the police had any information regarding the involvement of the appellant in indulging in selling Corex syrup. It is further submitted that since appellant is mother of the main accused Shafiullah @ Dablu and Habibulla, as such, she has also been implicated in the instant case with general and omnibus allegation. It is next submitted that appellant will not abscond rather will cooperate in the investigation.

5. The learned Special P. P. opposes the bail application.

6. Regard being had to the aforesaid submissions, the order dated 07.02.2024 is set-aside.

7. The appeal stands allowed.

8. The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the



satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Narpatganj P. S. Case No.576 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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