

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20594 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- GOPALPUR District- Bhagalpur

Shila Devi W/o Vito Mahaldar R/o vill - Bhim Das Tola, Tintenga, P.S. -
Gopalpur (Rangra Out Post), Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Gopalpur (Rangra O.P.) P.S. Case No. 477 of 2023, registered on 01.10.2023 for the offences under Sections 147, 149, 341, 342, 447, 302, 504 of the Indian Penal Code.

3. As per prosecution case, over the dispute of extending the construction over the land of the informant, altercation took place between the informant and petitioner and other co-accused persons which resulted in assaulting the son of the informant by the petitioner and other co-accused persons. The son of the informant died in course of his treatment.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The petitioner is a lady and there is no specific allegation against her for assaulting the son of the informant. Only specific allegation against the petitioner is that she and other co-accused persons caught hold of the informant and restrained her. The specific allegation of assaulting the son of the informant with a bamboo is against co-accused Monu Kumar. Learned counsel further submits that the petitioner and informant are agnates and next door neighbour as is apparent from the FIR itself. There is undue delay in lodging the FIR as for the occurrence of 28.09.2023, the FIR has been registered only on 01.10.2023. The petitioner has no role in the whole occurrence still she has been falsely implicated. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner and other co-accused persons have been named in assaulting the son of the informant, who lost his life.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and there is no specific allegation against her and allegation of assault is specific against



co-accused Monu Kumar and further considering the delay in lodging the FIR and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Naugachia, District - Bhagalpur/concerned court in connection with Gopalpur (Rangra O.P.) P.S. Case No. 477 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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