

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82534 of 2023

Arising Out of PS. Case No.-594 Year-2023 Thana- SONEPUR District- Saran

Shalu Kumari @ Shalu Singh D/O Pramod Singh R/O Village- Naudihan,
P.O.- Rahimpur, P.S.- Sonpur, Dist.- Saran, At Present Wife Of Abhay Singh,
R/O Village- Khadia Bazar, Shakti Nagar, Sonbhadra, Uttar Pradesh -231222

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate Mr. Nalin Ranjan, Advocate Mr. Shailendra Kumar, Advocate
For the Informant	:	Mr. Kaushal Kishor, Advocate
For the State	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 28-06-2024 Heard learned Counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Sonpur P.S. Case No. 594 of 2023 registered on 10.07.2023 for the offences punishable under Sections 341, 323, 324, 307, 504, 354, 506/34 of the Indian Penal Code, subsequently Section 302 of the IPC was also added.

3. As per prosecution, the FIR has been lodged against five named accused persons including the present petitioner under the provisions of the Indian Penal Code other than section 302 of the Indian Penal Code, but Section 302 of the Indian Penal Code has been added later on when one of



the injured Raja Kumar died.

4. It is submitted by learned counsel for the petitioner that from a bare perusal of the FIR, it becomes clear that the informant and the accused persons including the petitioners are the neighbour and they are well known to each other. In the FIR, three incidents have been indicated. In the first incident, co-accused Pramod Singh and his son Vikram Kumar Singh reached the house of the informant and started abusing him. In the second part of the incident, it is alleged that when his daughter-in-law reached there and made a protest for abuse, then co-accused Pramod Kumar Singh started assaulting her. Thereafter, in the third part of the incident, other accused including the present petitioner allegedly brutally assaulted the victim Raja Kumar. It has also been alleged that all the accused persons assaulted the victim Raja Kumar with *danda* and iron rod, as a result of which, he got unconscious and was referred to the hospital. The cause of dispute has been shown that the informant's family has done labour work at the house of the accused persons but instead of making payment, they assaulted the informant and his family members.

5. Learned counsel for the petitioner further submits that the antecedent of the petitioner is clean and she is a girl



aged about 21 years. From the FIR, it reflects that the accusation is general and omnibus against all the accused persons including the present petitioner. It has not been disclosed that what weapon is in possession of the petitioner. Learned counsel further submits that on the earlier occasion case diary has been called for. The post-mortem report suggests only one injury on the left forearm of the deceased and the cause of death has been opined as intracranial hemorrhage. The injury has been caused by hard and blunt substance. Learned counsel further submits that the allegation made in the FIR does not corroborate with injury according to post-mortem report. Moreover, all the accused persons other than the petitioner have surrendered before the Court and regular bail has been granted to them.

6. Learned counsel further submits that the petitioner is a of MBA and she has been made accused in the present case only due to the reason that her father is the main accused in this case. Learned counsel further submits that during the pendency of her bail process under Sections 82 and 83 has been issued. He further submits that in the supervision note, it has come against the petitioner that she has assaulted the one daughter-in-law of the informant and also provided the family members *lathi,danda* and iron rod. In the light of the submissions made



and particularly considering that the petitioner is a student and is pursuing MBA as mentioned in the supplementary affidavit, she may be released on bail.

7. Learned counsel for the State opposes the prayer for bail.

8. Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is well established that a case in which the warrant process under sections 82 and 83 has already been issued, anticipatory bail shall not be granted to such accused. Learned counsel further submits that from the content of the FIR, it becomes crystal clear that the offence has been committed by all the accused persons with common intention and all the accused persons collectively assaulted the deceased Raja Kumar due to which he died during treatment. Therefore, according to him, anticipatory bail to the petitioner cannot be granted. Since the other accused persons have been granted regular bail, therefore, the petitioner may deserve for regular bail but not for anticipatory bail.

9. Upon hearing the argument and going through the contents of the FIR, it transpires to this Court that the cause of the dispute is related to the payment of wages to the informant. This Court is of the firm view that so far as the payment of



wages is concerned, it is between the head of the family and a student and the labour working. But being the younger member of the family she has to do nothing with the issue.

6. As such, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Chapra in connection with Sonpur P.S. Case NO. 594 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

