

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12083 of 2016

Arising Out of PS.Case No. -187 Year- 2013 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Kalawati Devi, Wife of Bira Paswan, Resident of Village- Chhote Harnahi, P.S.:- Raxual, District:- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s Mr. Kalyan Shankar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 29.03.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 302/34 of the Indian Penal Code.

Petitioner is named in the first information report along with two others and there is accusation that the petitioner and other FIR named accused mercilessly assaulted the deceased by means of bricks as a result of which deceased died. Informant claims that he learnt about alleged occurrence from his mother.

Learned counsel for the petitioner points out that one FIR named accused Bira Paswan who happens to be husband of the petitioner was put on trial vide Sessions Trial no. 1020 of 2013/ 438 of 2014 and after full-fledged trial, he was acquitted vide judgment dated 27.8.2014. It is also pointed out that in course of trial of Bira Paswan not only informant but mother of the informant also turned hostile and

they had not supported the prosecution case.

It is submitted that petitioner being lady is in jail custody since 8.1.2016 and further detention of the petitioner is not warranted.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Raxaul at Motihari in Raxaul P.S. Case no. 187/2013.

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(Hemant Kumar Srivastava,J)

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