

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20797 of 2016

Arising Out of P.S. Case No. -272 Year- 2015 Thana -MANIGACHI District- DARBHANGA

NIJHAT PARWEEN @ NUZZAT PARWEEN @ NUZZAT PRAVEEN,
D/o Md. Ezazul, R/o Village – Sirnia, P.S. Ashok Paper Mill, Dist.
Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Md. Kamran, Advocate.

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-08-2016

Heard both sides.

The petitioner apprehends her arrest in Manigachi
P.S. Case No. 272/2015 registered under Sections 302/34 of the
Indian Penal Code.

The informant alleged that on 01.11.2015 Nijhat
Parween (petitioner) and her mother Samima Khatoon assaulted
Momina Khatoon, mother of the informant, with bricks and
stones. The mother of the informant became badly injured. The
mother of the informant was being treated in the house itself but
her condition deteriorated. On 17.11.2015, she was admitted to a
hospital at Madhubani from where she was referred to D.M.C.H.,
Darbhanga and thereafter she was taken to P.M.C.H., Patna. She
died on her way to P.M.C.H.

Sri Yogesh Chandra Verma, learned counsel for the



petitioner, submits that the occurrence took place on 01.11.2015 but the F.I.R. was lodged on 21.11.2015. No explanation of the delay is explained. It is submitted that the petitioner and her mother are alleged to have assaulted the deceased with bricks and stones but the doctor did not find any external injury. The deceased died due to perennial haemorrhage and it is the case of the petitioner that she got injury on account of auto-rickshaw accident and died. It is further submitted that the petitioner is an unmarried girl.

Learned A.P.P. has, however, opposed the prayer for anticipatory bail.

It appears that, of course, the F.I.R. is lodged after 20 days of the occurrence when the mother of the informant died on her way to P.M.C.H., but it appears that almost all the witnesses have stated that the petitioner and her mother assaulted Momina Khatoon, who is the grand-mother of the petitioner. The informant is the maternal uncle of the petitioner and the occurrence took place due to petty family dispute. The post mortem report shows that the deceased got stains on the front of her chest, shoulders and temporal region. The doctor also found that the death was caused on account of perennial haemorrhage but the doctor opined that the injuries were caused by hard and blunt force. The post

mortem report as well as the witnesses supported the prosecution case.

Considering the facts aforesaid, I do not feel inclined to enlarge the petitioner on anticipatory bail in Manigachi P.S. Case No. 272 of 2015. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the court below shall consider the prayer for regular bail of the petitioner taking into consideration that the petitioner is a girl, aged about 18 years, and dispose of the bail petition on the same day.

(Prabhat Kumar Jha, J)

Dilip/-

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