

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50203 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Rima Devi @ Anita Devi Wife of Samarjeet Mehtar resident of village -
Jihuli, Police Station Patahi, District East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Meena Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
13.07.2016 in connection with Patahi P. S. Case No. 94 of 2016
registered for the offence punishable under Sections 341, 324, 307
and 302/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that when she along with her husband (deceased) were returning
home from the field, co-accused including the petitioner
intercepted her husband and inflicted Fasuli blow on the head of
the deceased as well as other co-accused persons also assaulted
due to which the husband of the informant succumbed to injuries.



It has been submitted by the learned counsel for the petitioner that she is innocent and has no criminal history and has falsely been implicated in the aforesaid case out of enmity as earlier when the deceased husband tried to commit rape on her and also injured her the petitioner had lodged Mahila P. S. Case No. 35 of 2016 on 10.07.2016, prior to the institution of the present case. It has further been submitted that no overt act has been committed by the petitioner and no seizure list has been prepared.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and the informant is an eye witness to the alleged occurrence and many of the witnesses of case diary has supported the prosecution case.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to grant the privilege of bail to the petitioner at this stage.

This bail application is, accordingly, rejected.

(Nilu Agrawal, J)

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