

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38338 of 2016

Arising Out of PS.Case No. -198 Year- 2015 Thana -JALE District- DARBHANGA

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Rina Devi, wife of Brahmdeo Mahto, resident of Village- Narauchh, P.S. Jalley, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party : Mr. Smt. Veena Kumari Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-10-2016 Heard learned counsel for the petitioner and the learned counsel representing the State.

The petitioner seeks bail in connection with Jalley P.S Case No.198 of 2015 registered for the offences punishable under Sections 302, 341, 323, 325, 504/34 of the Indian Penal Code.

Allegedly, in the First Information Report, there is specific allegation that Brahmdeo Mahto, assaulted the father of the informant with *lathi* indiscriminately on his head and this petitioner assaulted on his eye, resulting, the father became unconscious and thereafter he was brought to D.M.C.H., Darbhanga and from D.M.C.H., Darbhanga to P.M.C.H., Patna and on 17.12.2015 the father of the informant died in P.M.C.H.,

Patna.

Submission is of false implication and that the petitioner was not present at the relevant time, she has been made accused only with a view to implicate all the family members. The quarrel started with fighting of two girls, there was no motive for commit murder and in this case co-accused Surendra Mahto has been allowed bail vide Cri. Misc. No. 19413 of 2016 by another co-ordinate Bench of this Court, petitioner is suffering in custody since 15.07.2016 having no criminal antecedent and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that the death was caused due to injury caused on the head and for that Brahmdeo Mahto is responsible and not the petitioner and as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, in connection with Jalley P.S. Case No. 198 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and

every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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