

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38645 of 2017

Arising Out of PS.Case No. -227 Year- 2016 Thana -RAJAUN District- BANKA

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Sarita Devi W/o Sunil Yadav, Resident of Village-Dumariya, Police
Station-Rajoun, District-Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 19-08-2017

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with S.T. No. 345/2017 (arising out of Rajoun P.S. Case No. 227 of 2016) registered for the offence punishable under Sections 147, 149, 341, 323, 324 and 307 of the Indian Penal Code and subsequently Section 302 of the Indian Penal Code has been added pending in the court of learned 1st Additional Sessions Judge, Banka.

A perusal of the First Information Report (in short the "FIR") would show that there is an allegation of assault against this petitioner which proved fatal and the victim lady ultimately died. It has come in the FIR that



the petitioner had given a blow on the head of the deceased by pot (*Lota*) which caused injury on her head, thereafter another co-accused Pintu Yadav assaulted by *Garasa* on her head.

Learned counsel for the petitioner submits that there is nothing in the FIR to show that the blow given by the petitioner proved fatal. Learned counsel further submits that the occurrence is said to have been taken place on 09.06.2016, whereas the FIR came to be lodged on 15.06.2016.

Submission of learned counsel for the petitioner is that the petitioner is a lady and should be granted privilege of bail. The victim lady also died after one month.

On the other hand, learned Additional Public Prosecutor for the State opposes the prayer of bail of the petitioner. It is submitted that there is a direct allegation of assault against this petitioner of causing head injury which definitely proved fatal for the life of the victim. He also pointed out that the petitioner has recently surrendered on 01.06.2017 and presently the investigation is also pending.



In the facts and circumstances of the case, I
am not inclined to grant regular bail to the petitioner.

Accordingly, prayer for regular bail of the
petitioner is rejected.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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