

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23792 of 2018

Arising Out of P.S.Case No. -81 Year- 2013 Thana -KATRA District- MUZAFFARPUR

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Phoolo Devi Wife of Late Jilis Lal Rai, Resident of Village-Singhwari
Tole-Rajghat, P.S.-Katra, District-Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 17-05-2018

Heard learned counsel for the petitioner and the State.

The petitioner is in custody in connection with Sessions Trial No.629 of 2017 arising out of Katra P.S.Case No.81 of 2013 pending in the Court of 14th Additional Sessions Judge, Muzaffarpur registered for an offence under Sections 341, 323, 307, 504/34 and 302 of the IPC.

The allegation is that this petitioner and two others who are named in the FIR assaulted the deceased resulting his death in course of treatment.

It has been submitted that the present case has been lodged on account of land dispute. Both parties are neighbours and dispute was prevailing for a passage. The petitioner is a lady and is in custody since 27.07.2017 having clean antecedent and so she



deserves bail.

The learned APP opposed the submissions.

On perusal of written report and material in the case diary, I find that this petitioner is a main accused. On the date of occurrence this petitioner and other co-accused assaulted the husband of the informant and when the husband of the informant fell down, this petitioner gave blow by *Musal* on his head causing head injury. The injured was moved to hospital where in course of treatment, he died. In course of investigation, almost all the witnesses have supported the allegation of causing head injury by this petitioner. The doctor has also found head injury on the person of deceased.

Considering the specific allegation of assault by Musal on the head of the deceased by this petitioner resulting his death, I am not inclined to grant bail to the petitioner. The prayer for bail is rejected.

(Sanjay Kumar, J)

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