

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25363 of 2019

Arising Out of PS. Case No.-90 Year-2018 Thana- BEERPUR District- Begusarai

SHOBHA DEVI @ SHOBHA KUMARI Wife of Bittu Yadav Resident of
Village - Kanhaipur, P.S.- Mokama, District - Patna, Maiké Birpur
Rustamtola, P.S.- Birpur, District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate.
For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 19-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Birpur P.S. Case No. 90 of 2018, registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

Daughter of the informant is said to have been
assaulted by the petitioner who happens to be her sister-in-law
and Gotani Kiran Devi on her back bone by means of stone and
knee resultantly she become senseless. She was rushed to
Advance Neuro Meternity Hospital, Begusarai, from where she
was referred to Tara Hospital Patna for better treatment but she
succumbed to her injury during the course of treatment.

It is submitted by the learned counsel for the



petitioner that no such occurrence as alleged ever took place. She has no concern with the aforesaid occurrence. Marriage of petitioner was solemnized in the month of June 2018 and she was living in her marital house at the time of occurrence. As a matter of fact, deceased had fallen from the staircase in the course of stairing down from the terrace and sustained injuries on her head which proved fatal. She was rushed from one hospital to another by co-accused Kiran Devi to accord her better medical aid. F.I.R itself indicates that the deceased was not rushed to the hospital by the prosecution party as the informant had arrived in the hospital itself. Though Budhani Devi who happens to be daughter of informant has stated before the I.O. that on arrival at the house of deceased, she divulged her the complicity of the petitioner and co-accused in the occurrence of assaulting her accordingly she had informed the matter to the informant but in the fardbeyan the informant has not stated so. Though she had learnt from the said occurrence from said Budhani Devi. Moreover, as per the statement of the informant and Budhani Devi the petitioner and other co-accused had assaulted the deceased on her neck and back-bone, but doctor who has conducted autopsy of cadaver of the deceased has found only bruise injury on the back side of the neck and



both elbow which have not led to death. As per opinion of the doctor the cause of death was head injury and he has found subdural haematoma over mid frontal area involving medial side of both frontal area and on left parietal area with collection of dark blood and blood clots. The aforesaid finding of the doctor rules out the prosecution case of assaulting the deceased by means of knee and stone on her neck and back-bone. Petitioner has no criminal antecedent. She happens to be lady.

Learned A.P.P. for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., 1st Begusarai in connection with Birpur P.S. Case No. 90 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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