

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74795 of 2018

Arising Out of PS. Case No.-162 Year-2018 Thana- GAYA RAIL P.S. District- Gaya

Sumitra Devi, W/o Raj Kumar Manjhi, resident of Village- Malapa, P.S. Guraru, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 27-03-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Gaya Rail P.S. Case No. 162 of 2018 registered under Section 302 of the Indian Penal Code.

Petitioner is said to have thrown her two children from the running train. Out of them one has died in course of treatment while another is undergoing treatment in the P.M.C.H.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner has committed no offence and has no concern with the aforesaid occurrence. As a matter of fact, the petitioner was travelling in overcrowded train standing on the gate of the bogie along with her two minor children who fell down from running train due to



jostling of the passengers in the bogie of the train. Petitioner has been falsely implicated in this case due to dirty village politics.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that the petitioner has intentionally shoved her two children from running train. The doctor has found head injury on the person of the deceased son of the petitioner and several injuries on the various parts of the person of the daughter of the petitioner including the head injury. The petitioner has herself conceded the factum of throwing the children from the running train intentionally to the police personnel and her husband has also stated that the petitioner had left her matrimonial house along with her children despite refusal by her husband. As per witnesses account several passengers also supported the occurrence.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

(Prakash Chandra Jaiswal, J)

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