

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77985 of 2019

Arising Out of PS. Case No.-123 Year-2019 Thana- SABAUR District- Bhagalpur

HIRA DEVI Wife of Shiv Narayan Mandal, Resident of Village- Goradih,
P.S.- Goradih and District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-03-2020 Heard both sides.

Petitioner seeks bail in Sabour (Goradih) P.S. Case
No.123 of 2019 registered under Sections 341, 323, 324, 307,
302, 504 and 34 of the IPC.

The widow of the deceased alleged that some verbal
altercation took place between her husband on the one side and
her father-in-law, mother-in-law and brother-in-law on the other
side. Her father-in-law, brother-in-law and mother-in-law were
saying not to give any share. On such, her father-in-law, mother-
in-law (petitioner), brother-in-law came and began to abuse her.
Her father-in-law, mother-in-law and Ashish Kumar (brother-in-
law) indiscriminately assaulted her husband with axe on
different parts of his body. When the informant came to save,
her brother-in-law assaulted with axe on her hand.



Learned counsel for the petitioner submits that the petitioner is mother of the deceased and there is no allegation of assault against the petitioner. The informant herself disclosed that Ashish Kumar (brother-in-law) indiscriminately assaulted her husband with axe causing his death in the hospital. The petitioner is in jail since 20.04.2019.

Learned A.P.P., however, opposed the prayer of bail and submitted that from the postmortem report, it appears that the deceased sustained different sharp cut injuries on different parts of his body but at the same time admitted that only allegation against the petitioner is that she caught her son (deceased) and thereafter her another son assaulted the deceased with axe.

It appears from perusal of the F.I.R. itself that the allegation of assault is against Ashish Kumar (brother of the deceased). Of course, the petitioner being the mother of the deceased is alleged to have caught the deceased but there is no allegation of assault against the petitioner and for that the petitioner has remained in jail for about one year.

Having considered the facts aforesaid, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of



like amount each to the satisfaction of learned C.J.M.,
Bhagalpur in connection with Sabour (Goradih) P.S. Case
No.123 of 2019.

(Prabhat Kumar Jha, J)

Harish/-

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