

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78679 of 2019

Arising Out of PS Case No.-263 Year-2019 Thana- MURLIGANJ District- Madhepura

Meera Devi @ Meera Kumari, aged about 36 years, female, Wife of Anil Paswan @ Dhorai Paswan, Resident of Village - Rampur, Ward No. 12, PS - Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S R P Sinha, Sr. Advocate with Mr. Rupesh Kumar, Advocate
For the State	:	Mr. Nitya Nand Tiwary, APP
For the Informant	:	Mr. Uday Chand Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 09-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Baxi S R P Sinha, learned senior counsel along with Mr. Rupesh Kumar, learned counsel for the petitioner; Mr. Nitya Nand Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Uday Chand Prasad, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Murliganj PS Case No. 263 of 2019 dated 15.07.2019, instituted under Sections 341, 323, 379, 307, 504, 506/34 of the Indian



Penal Code to which later on Section 302 of the Indian Penal Code was added.

4. The allegation against the petitioner is that she had gone with her daughter to the house of the informant and had assaulted his mother. The specific allegation is against the daughter of the petitioner of hitting by iron rod on the head resulting in injury whereas against the petitioner is that she along with her daughter had snatched silver chain from the neck of the victim and also assaulted with *lathi* and *danda*.

5. Learned counsel for the petitioner submitted that it was a trivial matter as in the FIR itself, it has been stated that the petitioner and her daughter, after being pulled up for the daughter cutting bamboo of the informant, had come to the house of the informant and committed the crime. Learned counsel submitted that the specific allegation of hitting by rod on the head which resulted in cut on the eyebrow is against the daughter of the petitioner which is corroborated in the injury report where only one injury has been found, which is sharp cut over left eyebrow and which has been found to be simple in nature and no other injury has been found. It was submitted that the mother of the informant died after 17 days of the assault which was primarily due to old age as she was 72 years old. Learned counsel submitted



that the allegation of snatching of silver chain is cosmetic and the assault by *lathi* and *danda* on the body is not corroborated by the injury report when the Doctor had examined the victim on the same day. It was further submitted that the petitioner is a lady having no other criminal antecedent. Learned counsel submitted that at best, it was a simple skirmish which took an ugly turn.

6. Learned APP, from the case diary, submitted that the petitioner is also said to have assaulted by *lathi* and *danda* and taken the silver chain. However, he did not controvert the fact that the doctor had examined the victim on the same day and in the report only one injury on the left eyebrow has been found, which is attributable to co-accused and not the petitioner and no other injury has been found and further that death occurred after 17 days of the occurrence.

7. Learned counsel for the informant submitted that in the FIR, there is allegation of assault by *lathi* and *danda* and snatching of silver chain. However, he also did not controvert that the injury report does not show that there was any assault on any other part of the body, as alleged in the FIR.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six



weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in Murliganj PS Case No. 263 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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