

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.783 of 2021

Arising Out of PS. Case No.-207 Year-2020 Thana- PAROO District- Muzaffarpur

1. REENA DEVI Wife of Rajesh Rai Resident of Village- Chintamanpur Sarmastpur, P.S.- Paroo, Distt- Muzaffarpur.
2. MAHA DEVI Wife of Shiv Narayan Rai Resident of Village- Chintamanpur Sarmastpur, P.S.- Paroo, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hari Kishore Thakur- Advocate
For the Informant	:	Mr. Sunil Kumar Pandey- Advocate
For the State	:	Dr. Indihar Kumari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-08-2021 Heard Mr. Hari Kishore Thakur, the learned Advocate for the petitioners, Mr. Sunil Kumar Pandey, the learned Advocate for the informant and Dr. Indihar Kumari, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Paroo P. S. Case No.207 of 2020, instituted for the offences under Sections 341, 323, 302, 504 and 34 of the Indian Penal Code.

It has been alleged in the F.I.R. that the deceased was assaulted by the accused persons including the petitioners and two of the other accused persons are alleged



to have jumped on the body of the deceased till he died.

It has been urged on behalf of the petitioners that the post mortem report, though, reveals that three of the ribs of the deceased had been broken and he had other injuries on his person also but the cause of the death could not be ascertained.

The other argument advanced on behalf of the petitioners is that during the course of investigation, many witnesses have spoken about the occurrence but have not attributed any role to the petitioners. Some of the independent persons have stated that the deceased had suffered an accident in Chennai about a year ago for which he had to remain hospitalized for a long time. He had become very weak and therefore he died as a result of a fall.

On the date of occurrence, because of the dispute arising out of a tractor having been negligently driven, which swerved inside the house of the informant and for which protest was made, a clash between the two sides took place in which the deceased fell down and injured himself leading to his death.

As opposed to the aforesaid contentions, the



learned Advocate for the informant has stated that though the petitioners are ladies but they are also specifically alleged to have assaulted the deceased by lathi and danta and only such interested witnesses who are related to the petitioners have stated that the deceased had fallen on a pot as a result of which he got injured. The fact of the matter is, it has been urged on behalf of the informant, that the deceased was mercilessly assaulted which led to his death.

Considering the arguments advanced on behalf of the petitioners, this Court had by order dated 25.06.2021 called for the case diary and had granted provisional bail to the petitioners.

After having heard the counsel for the parties, it appears that though the petitioners have been named in the F.I.R. but the accusation is general and omnibus. The deceased has died of injuries on chest but the cause of the death could not be ascertained. The accusation against the accused persons is of having pressed the deceased on the ground and jumping on his body leading to fracture of three ribs which perhaps may have caused his death but the counter-version is that the deceased died because of his



debility and wan health fell down on the ground and hit himself.

In any view of the matter, regard being had to the fact that the petitioners are ladies and there is no specific accusation against them and the background facts in which the occurrence took place, the provisional bail granted to the petitioners is hereby confirmed.

They shall remain on the same bail bonds.

The petition stands allowed.

(Ashutosh Kumar, J)

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