

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4981 of 2021

Arising Out of PS. Case No.-299 Year-2020 Thana- DEEPNAGAR District- Nalanda

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Rina Devi, aged about 40 years, female, Wife of Prabhat Yadav, Resident of
Village - Shyamnagar, P.S. - Deepnagar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-09-2021 Heard Mr. Binod Kumar Sinha, the learned

Advocate for the petitioner and Mr. Nitya Nand Tiwary, the

learned APP for the State.

The petitioner seeks bail in anticipation of her
arrest in connection with Deepnagar P.S. Case No. 299 of
2020, dated 10.09.2020, instituted for the offences under
Sections 341, 323, 307, 302, 504 and 34 of the Indian
Penal Code.

It has been alleged in the F.I.R. that the petitioner
caught hold of the forty five days' old child of the informant
from his lap and threw him on the ground as a result of



which he died instantaneously.

The learned counsel for the petitioner has submitted that there is some dispute between the two brothers, viz., the informant and the husband of the petitioner with respect to partition of the family property, but the present occurrence was only a mishap. He further submits that assuming but not admitting the accusation in the F.I.R., it may be that in the scuffle, the child would have fallen from the lap of the informant. Precisely for this reason, after the investigation, it has been argued, charge-sheet has been submitted under Section 304 of the I.P.C. and not under Section 302 of the I.P.C.

The learned counsel for the petitioner has submitted that the father of the informant has filed a petition before the police officer stating that the accusation has been over exaggerated because of the dispute between the two brothers. In fact, the child fell from the lap of the informant, who is physically challenged, and died.

This could be an attempt of a father to save one of his sons, but what appears from the narration in the F.I.R.



and the arguments advanced is that there could be a possibility of the child dying because of this mishap. He further submits that because of the bad blood between the two brothers, this accusation has been levelled.

Considering the afore-noted arguments and taking into account that the petitioner is a lady, she, in the event of her arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Deepnagar P.S. Case No. 299 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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