

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9238 of 2021

Arising Out of PS. Case No.-285 Year-2020 Thana- GHOSI District- Jehanabad

Sarita Devi Wife Of Late Jalandhar Yadav Resident Of Village- Pritam Bigha,
P.S.- Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Senior Adv.
	:	Ms. Kumari Anupam
For the Opposite Party/s	:	Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-09-2021 Heard learned senior counsel for the petitioner Mr. Y.C. Verma assisted by learned counsel Ms. Kumari Anupam and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Ghosi (Okri OP) P.S. Case No. 285/2020 registered for the offence punishable under Sections 341, 323, 337, 338, 302 of the Indian Penal Code.

The prosecution case as per the written statement of informant *Heeralal Prasad* is that petitioner had came to the house of the informant and started weeping that her husband has died. After that informant went to the house of his elder brother and saw that his



brother was lying dead. He also saw grievous injury on his head and neck. On being asked daughter of the petitioner as well as deceased *Kavita Kumari* told him that her mother herself assaulted her father from brick batting. She further stated that her mother pressed his neck and killed her father.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that the deceased was drunker as a result of which he fell down, sustained head injury and died. He submits that informant is not any eye witness to the occurrence and he did not see the factum of death. He further submits that during investigation the one daughter of the petitioner namely *Kavita Kumari* aged about 9 years at instance of his uncle and grandmother as a tutored witness like parrot stated that she saw quarrel and giving of one brick blow by the petitioner, her statement was tutored one and the same cannot be taken into consideration. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner is a lady and has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 15.07.2020.

Learned APP for the State vehemently opposing the bail petition submitted that wife of the deceased (petitioner) herself killed her husband by assaulting him with brick due to which he sustained



grievous injuries *i.e.* cardio respiratory failur due to head injury and died as also stated in *post mortem* report. He further submits that from the F.I.R. itself it appears that daughter of the deceased has levelled the allegation of murder against the petitioner.

In the facts and circumstances of the case, I am not inclined to grant bail to the petitioner in connection with Ghosi (Okri OP) P.S. Case No. 285 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Jehanabad.

Accordingly, prayer for bail of the petitioner is hereby rejected.

However, learned Trial Court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

GAURAV S./-

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