

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39495 of 2021**

Arising Out of PS. Case No.-175 Year-2020 Thana- PARSA District- Saran

=====

Ful Kumari Devi @ Phool Kumari Devi, W/O Chandrika Singh, Resident of
village Bahar Marar, P.S. Parsa, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Nagendra Rai, Advocate
For the Opposite Party : Mr.Arun Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 31-01-2022 Heard learned counsel for the petitioner and Mr. Arun
Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Parsa P.S. Case No. 175 of 2020 registered
for the offences punishable under Section 302 of the Indian
Penal Code. She is in custody since 18.03.2021 after her
surrender. She has no criminal antecedent as stated in paragraph
'3' of the application.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant and his father were working
together in the adjacent field on 11.06.2020 at 8:30 a.m. It is
alleged that the petitioner, who is the aunt of the informant, was
came there with her husband and assaulted father of the
informant on his head by a spade causing injury to him and



instant death on the spot. With respect to this petitioner, it is alleged that she had pressed the leg of the deceased and her husband had assaulted upon the father of the informant and thereafter they fled away. The cause of occurrence is said to be a land dispute. It is stated in the F.I.R. itself that the informant was submitting his written application on 12.06.2020 after performing the cremation of the dead body.

Learned counsel for the petitioner submits that in this case the alleged occurrence is said to have taken place on 11.06.2020 at 8:30 a.m. but information with regard to this occurrence was given to the police station on 12.06.2020 at 11:10 a.m. i.e. after more than 24 hours. It is further submitted that though the informant claims himself to be an eye witness but his conduct in not reporting the occurrence to the police station which is situated at a distance of six kilometers only clearly gives rise to a suspicion with regard to his claim of being an eye witness. The land dispute is admitted and this petitioner being a lady member of the family has been falsely implicated in this case. She is in custody since 18.03.2021.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner saying that there is an allegation against her that she had pressed the leg of the



deceased, but at the same time, on reading of the F.I.R., it is not disputed that the F.I.R. itself was lodged after more than 24 hours and further that this petitioner happens to be a lady member of the family and aunt of the informant who admits a land dispute.

Having regard to the submissions advanced before this court and on finding that the F.I.R. in this case has been lodged after 24 hours that too after performing cremation of the dead body and from Annexure '2' which is a formal F.I.R., it is evident that the occurrence was reported belatedly and further this petitioner happens to be a lady member of the family who has already remained in custody since 18.03.2021, investigation against her is complete, therefore this court is inclined to direct release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – 5th, Chapra in connection with Parsa P.S. Case No. 175 of 2020, Session Trial No. 301/21, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

