

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29969 of 2022

Arising Out of PS. Case No.-433 Year-2021 Thana- AKBARPUR District- Nawada

Sunita Devi Wife of Pappu Rajbanshi Resident of Village-Sirpat, Police
Station-Akbarpur, District-Nawada. ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 19-10-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Akbarpur P.S. Case No. 433 of 2021 lodged under Sections 302,
34 of the I.P.C.

As per the prosecution case, the allegation of
assaulting the younger brothers in the night by the petitioner and
her husband, when they were sleeping, are there in the F.I.R.
The specific allegation is against the petitioner and her husband
to attack on the head of the deceased by iron rod, when the
deceased was sleeping.

Learned counsel for the petitioner submits that
petitioner is a lady and innocent. The dispute in between the
brothers was there. He also submits that in the jail, the petitioner
is residing with her 2 children, so a sympathetic view may be
taken.

Learned counsel for the petitioner submits that

petitioner is in custody since 22.01.2022 having clean antecedent. There was admittedly a family dispute that was going on in the family, due to which this occurrence took place.

Learned counsel for the State opposes the prayer for bail and submits that in the case diary, the post-mortem report is there. The allegation is made in the F.I.R. The death of the deceased has been caused by a hard and blunt substance.

Upon specific query that whether charge has been framed or not, learned counsel for the petitioner submitted that charge has not been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail.

But liberty is hereby granted to the petitioner that she may renew her prayer for bail after 6 months of framing of charge, and the Trial Court is directed to release the petitioner on bail, after imposing its own conditions on the petitioner, so that the petitioner appear during the trial and shall not evade from her appearance.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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