

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41581 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- PARBATTa District- Khagaria

Rina Devi @ Rinku Devi W/o Prashant Yadav Resident of Village - Araria,
P.s.- Parbatta (Madaiya), Distt.- Khagaria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate.
For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with
Parbatta (Madaiya) P.S Case No. 218 of 2022 registered for the
offences punishable under Sections 307 and 34 of the Indian
Penal Code and 27 of the Arms Act.

As per the prosecution, the informant in her fardbeyan
has alleged that while her daughter aged about ten years was
sitting in the hall (verandah) of her house and some people
along with the petitioner were partying on the terrace of
Prashant Yadav's house, in the meantime this petitioner made



celebratory firing which hit at the informant's daughter's leg.

The main submissions advanced by learned counsel Mr. Anuj Kumar appearing for the petitioner are that the petitioner who is a woman, has been languishing in jail since 23.05.2022 and the alleged occurrence of firing took place at 8:10 P.M. and the same was alleged to have happened at the roof of the petitioner and hit the informant's daughter who was sitting at her verandah but the informant's house is not adjacent to the alleged place of firing and the same is situated at the distance of nearly 200-300 meters from the alleged place of firing and hence it is unbelievable that from the said distance the informant would be able to identify the petitioner while the alleged firing was being committed and the said defence in itself is sufficient to cast a serious doubt upon the prosecution's story. Further submission is that in the FIR any motive on the part of this petitioner to commit the alleged occurrence in respect of the victim has not been revealed and at the time of happening of the alleged occurrence there was no enmity between the petitioner's family and the victim's family.

Learned APP Mr. Prem Kumar Jha appearing for the State has opposed the prayer for bail.

In view of the above submissions and mainly



taking into account the fact that as per the FIR the alleged occurrence appears to have occurred due to an accidental firing and also taking into account the above mentioned defence taken by the petitioner and the custody period of the petitioner, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria in connection with Parbatta (Madaiya) P.S Case No. 218 of 2022.

(Shailendra Singh, J.)

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