

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51712 of 2021**

Arising Out of PS. Case No.-196 Year-2021 Thana- BRAHMPUR District- Buxar

POONAM DEVI wife of Jitendra Paswan Resident of Village - Javhi
Jagdishpur, Police Station - Brahmpur, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parijat Saurav, Advocate
For the Informant	:	Mr. Raghwindra Pratap Singh, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 18-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 15.04.2021, is a person with clean
antecedent and is a woman, charge-sheet has been submitted
and charges have also been framed.

The informant alleges that while he along with his son
was returning from Khalihan, they were intercepted by the
named accused persons including the petitioner. Further, the



petitioner and Rakesh Kumar stabbed the son of the informant repeatedly and his son died in the way to Patna where he was being taken for treatment.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The FIR does not even remotely reflect the reason for the occurrence. Learned counsel further submits that the deceased was a tutor, who used to teach the minor daughter of the petitioner, and had indulged in some objectionable act which was objected and resented by the petitioner. Learned counsel also submits that on account of the act of the deceased, the dispute had taken place and when the deceased died the informant took the same as an opportunity to implicate the petitioner without assigning any motive for the occurrence.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner and submit that there is direct allegation of stabbing the deceased by this petitioner and Rakesh Kumar and further the bail application of Rakesh Kumar has been rejected by order dated 24.03.2022 in Cr. Misc. No. 46839 of 2022.

Learned counsel for the petitioner rebuts the submission made by the learned counsel for the informant and



submits that even presuming what is alleged is true without admitting for the purposes of bail then the case of the petitioner be treated differently as the petitioner is a woman and a mother and the FIR is conspicuously silent with regard to the motive for the occurrence.

Considering the submissions of the parties in totality, the Court, for the present, is not inclined to granted bail to the petitioner in connection with Brahampur P.S. Case No. 196 of 2021 pending in the Court of learned Chief Judicial Magistrate, Buxar/successor Court.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

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