

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44840 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- NAANPUR District- Sitamarhi

1. JAYA DEVI Wife of Sri Babloo Kumar Jha @ Dipak Kumar Jha Resident of village - Chakauti, Ward No. 15, Police Station- Nanpur, District - Sitamarhi.
2. BABLOO KUMAR @ BABLOO KUMAR JHA @ DIPAK KUMAR JHA Son of Late Mohan Jha Resident of village - Chakauti, Ward No. 15, Police Station- Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Ganesh Prasad Singh, APP
For the Informant :	Mr. Nityanand Jha, Advocate
	Mr. Suresh Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-10-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

Considering the submission of learned counsel for the petitioner, learned counsel for the petitioner is permitted to correct the custody period as mentioned in paragraph no.11 of the present bail petition, during course of day.

The petitioners seek bail in connection with Nanpur P.S. Case No. 42 of 2022 registered for the offence under Sections 341, 323, 324, 302 and 34 of the Indian Penal Code.



The accused/petitioners are named in the F.I.R. and are in custody since 04.06.2022.

The allegation against the petitioners is to commit murder of mother of informant, by pushing her on floor intentionally causing fatal head injury.

Learned counsel appearing on behalf of the petitioners submitted that due to family partition dispute, petitioner have been falsely implicated in the present case. It is further submitted that during course of occurrence, mother of informant received head injury, as she slipped over the floor, leading to her death, due to head injury what she received out of said accident. It is also submitted that petitioner no.1 is a lady of clean antecedent, whereas, petitioner no.2 is involved in one SC/ST case, where, he acquitted already. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that informant is the eye-witness of the occurrence, where, specific allegation is available against petitioner no.2 to push, mother of the informant intentionally, causing head injuries, leading to her death, whereas, fairly conceded the fact



that allegation against petitioner no.1, who is a lady, is limited only to give order to petitioner no.2.

Considering the facts and circumstances as mentioned above, as allegation against petitioner no.1 is only limited to give an order to petitioner no.2, without having any overt act towards the occurrence, who is lady of clean antecedent, let the petitioner no.1, namely, Jaya Devi, is directed to be released on bail in connection with Nanpur P.S. Case No. 42 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri at Sitamarhi/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

Whereas, as specific allegation to give fatal assault is available against petitioner no.2, namely, Babloo Kumar @ Babloo Kumar Jha, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

(Chandra Shekhar Jha, J)

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