

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36686 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- ROSERA District- Samastipur

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BACHCHI DEVI W/O BADAN KAMTI RESIDENT OF VILLAGE -
NANDE NAGAR, POLICE STATION ROSERA, DISTRICT
SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Abhimanyu Sharma
For the State	:	Mr.Ram Bilash Roy Raman
For the Informant	:	Mr. Ghanshyam Choudhary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 19-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner, learned
A.P.P. for the State assisted by learned counsel for the
informant.

The petitioner seeks bail in connection with Rosera
P.S. Case No. 05 of 2022 registered for the offences punishable
under Section 302/34 of the Indian Penal Code.

As per prosecution case, petitioner is alleged to have
repeatedly assaulted upon the head of informant's wife by
means of bamboo due to which she fell down and during course
of treatment she died.

Learned counsel for the petitioner submits that there is



allegation of repeated blow upon the head of victim but the postmortem report does not corroborate the same. He further submits that doctor has opined that death was within 36 hours but according to prosecution case the alleged occurrence took place on 08.01.2022 at 1:00 PM and postmortem examination was done on the same day which creates doubt about the prosecution story and time opined by the doctor also does not corroborate with the allegation made in the FIR. Petitioner is in custody since 30.03.2022 as mentioned in the impugned order. Petitioner is lady and bears no criminal antecedent.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner submitting that there is specific allegation of making assault upon the victim and the same is corroborated by the postmortem report.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with postmortem report as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the petitioner may renew prayer of bail after six months from the date of receipt/production of copy of this



order to the court concerned, if there is no substantial progress
in the proceeding of trial within the stipulated period.

(Alok Kumar Pandey, J)

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