

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44366 of 2023**

Arising Out of PS. Case No.-35 Year-2019 Thana- PAWANA District- Bhojpur

Parmila Devi, Wife Of Bijendra Mushar Resident Of Village- Pawar Mushar  
Toli, Ps- Pawana, Distt- Bhojpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                  |
|----------------------------|---|------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr. Suraj Narain Yadav<br>Ms. Sweta Kumari<br>Mr. Shantam Shivam |
| For the Opposite Party/s : |   | Mr. Md. Mushtaque Alam                                           |

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

- 2      24-08-2023                      1.      Heard learned counsel for the petitioner and  
learned APP for the State.
2. The petitioner seeks bail in anticipation of her  
arrest in a case registered for the offences punishable under  
Section 302/ 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that  
the petitioner is a person with clean antecedent and is a woman  
and this is the second attempt of the petitioner to seek  
anticipatory bail as earlier her anticipatory bail application was  
rejected by order dated 09.02.2022 in Cr. Misc. No.21380 of  
2021 by a learned Coordinate Bench.
4. The learned counsel next submits that the present  
second anticipatory bail application has been preferred under



changed circumstances. It is next submitted that the informant in the F.I.R. alleges that on 20.06.2019, on account of a dispute relating to land, an altercation took place in which, it is alleged that co-accused Bijendra Mushar killed her husband by indiscriminately stabbing with knife while petitioner was holding the waist of the deceased.

5. The learned counsel for the petitioner submits that husband of the informant was own younger brother of Bijendra Mushar, as such, the petitioner is own sister in-law of the informant. It is next submitted that Bijendra Mushar was arrested and after a full-fledged trial, he was acquitted. The learned counsel thus submits that now, no useful purpose would be served by sending the petitioner to jail as the thrust of the allegation in the F.I.R. was against Bijendra Mushar of assaulting his own brother indiscriminately by knife causing his death while petitioner was alleged to have been holding his waist. It is also submitted that on account of dispute relating to share in the ancestral property, a dispute had arisen between the brothers based on which, the present case came to be instituted with the aforesaid allegations as recorded herein above.

6. The learned Additional Public Prosecutor opposes the anticipatory bail application.



7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Bhojpur at Ara in connection with Pawna P. S. Case No.35 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

**(Satyavrat Verma, J)**

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