

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31403 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- PIPRAHI District- Sheohar

RINA DEVI WIFE OF PRABHU PASWAN Resident of Village - Dekuli
Dharampur, P.S. - Piprahi, District - Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr.Devendra Kumar, Adv. Mr. Kumar Rajdeep, Adv.
For the informant	:	Mr. Sita Ram Prasad, Adv.
For the Opposite Party/s	:	Mr.Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 07-10-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Piprahi P.S. Case No. 266 of 2023 dated 11.12.2023 registered for the offences punishable u/ss 341, 342, 323, 354, 354B, 302, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant was taking water from hand-pipe (*Chapakal*) inside of her house, in the meantime, the daughter of Prabhu Paswan (*bhaisur* of the informant) namely, the co-accused, Divyanshi Kumari has also come for taking water and thereafter, the co-



accused, Divyanshi Kumari started assaulting the informant. On hulla, the co-accused, Prabhu Paswan and his wife Rina Devi (petitioner) came there and told them that they would kill her and her husband. It is further alleged that during the scuffle, the co-accused, Prabhu Paswan tore the informant's saree and blouse due to that the informant started to cry for save then her husband Manoj Paswan came for rescue, the co-accused, Prabhu Paswan, his daughter and the petitioner assaulted on the chest of the informant's husband with legs, fists and slaps with intent to kill due to which the informant's husband died on the place of occurrence. When the informant's husband was taken to the hospital where the doctor has declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is own *gotani* of the informant and there is general and omnibus allegation against the petitioner. The petitioner has no intention to kill the deceased. Learned counsel has further submitted that no any external injury was found on the chest of the deceased as per the post-mortem report except abrasion on the neck and finger. Learned counsel has further submitted that from perusal of the case record, it appears that no witness has stated about the heart



disease of the deceased. It is further submitted that the informant has received Rs. 1,90,000/- as compensation for her husband death on the ground of heart disease from Chief Minister Medical Assistance Fund through Directorate Health Services, Bihar, Patna. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 12.12.2023 who is a lady.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the informant's husband was suffering from heart disease which was within the knowledge of the petitioner and the co-accused persons. They assaulted on the chest of the informant's husband due to that he died on the spot. Learned counsel has further submitted that as per the post-mortem report of the deceased, the cause of death is due to hard and blunt injury caused rupture of diaphragm on right lob of liver leading to internal haemorrhage leading to CR failure hypovolemic shock.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, Sheohar in connection with Piprahi P.S. Case No. 266 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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