

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70830 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- MOTIPUR District- Muzaffarpur

Phulwa Devi @ Fulwa Devi Wife of Raja Paswan Resident of Village -
Chakchuhar, Police Station - Motipur, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Motipur P.S. Case No. 195 of 2024, registered on 01.06.2024, for the alleged offences under Sections 341, 447, 323, 302/34 of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons assaulted the father of the informant when the father of the informant asked the co-accused persons to remove ballast from his door. In the assault, the father of the informant lost his life. The assailants also tried to strangle the informant.

04. Learned counsel for the petitioner submits that the petitioner is a lady and is housewife and she has been falsely implicated in this case. Altogether 18 persons have been made



accused in this case. From the FIR, it is apparent that the occurrence took place over a very minor issue. The specific allegation of assault on the head of the father of informant is against co-accused, Prakash Kumar Paswan and Jaylal Paswan, who allegedly hit the father of the informant on his head with iron rod. Postmortem report shows contusion on right side of the head and haemorrhage in right parietal lobe of brain and the death was caused due to haemorrhage, coma, shock and due to the aforesaid injuries, which was caused by hard and blunt object. This shows the death occurred due to head injury which was allegedly caused by co-accused, Prakash Kumar Paswan and Jaylal Paswan. There is no material to show the involvement of the petitioner in causing injury to any person. The petitioner is in custody since 01.06.2024. Charge-sheet has been submitted and there is no chance of tempering with the evidence. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner and other co-accused persons assaulted the father of the informant, who died due to such assault.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



non-specific nature of allegation against the petitioner, who is a lady and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, West Muzaffarpur in connection with Motipur P.S. Case No. 195 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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