

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75256 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- PAKARIBARAW District- Nawada

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Ajba Devi, Female, aged about 60 years, Wife of Late Devnanadan Yadav,
Resident of Village- Tapsipur, P.S. Pakribarawan (Dhamaul), District Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Madhukar Mohan, Advocate
		Mr. Raushan, Advocate
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Birendra Kumar, Advocate
		Mr. Kumud Kishore, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

3 26-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Pakribarawan (Dhamaul) PS Case No. 255 of 2023 instituted for
the offences punishable under Sections 302/34 of the Indian
Penal Code.

3. As per the prosecution case, the allegation against
the accused persons including the petitioner is that they stooped
the informant and his mother while both were filling soil in their
land, thereafter informant went to the police station to
complaint, in the meantime petitioner and other co-accused
persons assaulted her mother by means of stone and brick due to



which she sustained injuries and died during treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to land dispute. The incident took place on 07.06.2023 and the FIR has been lodged on 12.06.2023 after a delay of five days and there is no plausible explanation in this regard. Petitioner is 60 years old lady.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the prayer for bail.

6. From perusal of the case diary, FIR, Postmortem report and the impugned order of the learned District and Sessions Judge, Nawada dated 20.09.2023, it appears that the FIR registered against nine persons including the petitioner on the basis of fardbeyan of Dashrath Yadav under Section 302/34 of the Indian Penal Code. The specific allegation against the petitioner is of assaulting bricks and stones and after sustained injuries the informant's mother died. Perusal of the case diary and the statement recorded under Section 161 of the Cr.P.C. all the witnesses have supported the version in the FIR. From perusal of the postmortem report, it appears that cause of the death of the deceased was due to haemorrhage, shock and head injuries. Petitioner is in custody since 12.08.2023.



7. Considering the facts that specific allegation for committing the death of the informant’s mother against the petitioner is true and it is very grave and serious in nature for an offence, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. Learned trial Court is directed to conclude the trial preferably within a period of one year from the date of receipt of a copy of this order and if the trial is not concluded within a stipulated period, the petitioner may renew her prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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