

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44751 of 2015

Arising Out of PS.Case No. -201 Year- 2015 Thana -BIHPUR District- BHAGALPUR

Nanki Devi, Wife of Prakash Singh, Resident of Village - Auliabar, P.S. -
Bihpur, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 13-10-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Bihpur
(Jhandapur) P.S. Case No. 201 of 2015 dated 01.07.2015
instituted under Sections 302/201/120B of the Indian Penal
Code.

The allegation against the petitioner who is the
Aunt (Mausi) of the deceased is that of being party to her
killing.

Learned counsel for the petitioner submits that
for the last 12 years, the daughter of the informant, being her
niece, was staying with her and she had a daily routine to go to
Naugachia from Bihpur and she fell down from Capital
Express on 22.06.2015 and died, for which the brother-in-law
(Dewar) namely, Sanjay Kumar Singh has lodged U.D. case no.
01 of 2015 at G.R.P. Thana. Learned counsel submits that



even the postmortem report does not point to any foul play and that there was no reason for the petitioner to take such a drastic step of killing her niece. It is further submitted that the reason given in the F.I.R. that there was some differences between the daughter-in-law of the petitioner and the deceased cannot be such so as to make them kill the deceased. Learned counsel submits that besides being a lady she has no criminal antecedent. It is further submitted that in the U.D. case, the informant and his wife i.e., parents of the deceased have also given their statement as witnesses and have not raised any suspicion against the petitioner or any foul play. It is submitted that after nine days of the occurrence the present F.I.R. has been lodged which is clearly an after thought and due to misguidance of the informant by persons inimical to the petitioner and her family.

Learned A.P.P. submits that as per the allegation the petitioner being the Aunt of the deceased and the deceased living and studying for the past 12 years with her she should have informed the parents with regard to the incident.

Learned counsel for the petitioner, by way of reply, submits that the parents of the deceased were informed and they were at Ludhiana and they could not have reached the village and the allegation is false, moreso in view of the fact that even upon arriving, they had not chosen to file any

compliant and rather gave statement during investigation in the U.D. case without raising any apprehension.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Naugachiya, Bhagalpur in Bihpur (Jhandapur) P.S. Case No. 201 of 2015, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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