

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39242 of 2014

Arising Out of PS.Case No. -161 Year- 2012 Thana -ALAMNAGAR District- MADHEPURA

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Anita Devi, wife of Sri Arvind Sharma, resident of village: Mahdipur, P.S. Alamnagar, District-Madhepura at present address D/o Boudhi Sharma, resident of village- Aurai, P.S. Puraini, District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. A. Dayal (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

4 09-07-2015 The petitioner herein was married to one Arbind Sharma. On the ground that the couple did not have any issue, i.e. children, out of their wedlock, Arbind Sharma married one, by name Kalpana Devi. That woman died on 04.12.2012 at Mahdipur village, Madhepura district. On the information furnished by her father, Alamnagar Police Station registered Case No.161 of 2012 against Arbind Sharma and the petitioner herein alleging offences punishable under Section 304B/34 IPC.

The petitioner filed ABP No.19 of 2013 before the Court of Sessions Judge, Madhepura. The same was dismissed on 02.03.2013. Hence, this application under Section 438 Cr. P.C. for grant of anticipatory bail.

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



The allegation against the petitioner is no doubt a serious one under Section 304B/34 IPC and generally this Court does not grant anticipatory bail to the accused facing such allegation. In the instant case, however, certain special circumstances exist. The deceased is said to have been married Arbind Sharma even when his marriage with the Anita Devi, the petitioner herein, was subsisting. Whatever be the motive against Arbind Sharma, the one against the petitioner does not appear to be so sound. The record discloses that the motive for the petitioner to participate in the crime was that the deceased objected to purchase of land by Arbind Sharma in the name of the petitioner. At one stage, this Court observed that there was nothing on record to show that the land was purchased in the name of the petitioner at all. Further, the petitioner has taken the plea of *alibi* alleging that on the date of occurrence, she was in her father's house.

These matters need to be taken into account at the trial. This Court is of the view that the petitioner happens to be the wife of the main accused, and there being not any prima facie material to directly connect her with the offences, she deserves to be granted anticipatory bail, subject to the condition that she will be under obligation to appear before the police station as and

when required for investigation.

Hence, this application is allowed. In the event of arrest, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Alam Nagar P.S. Case No.161 of 2012, subject to condition that the petitioner shall be under obligation to appear before the concerned police station as and when required, and to participate in the investigation.

(L. Narasimha Reddy, CJ)

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