

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34409 of 2015

Arising Out of PS.Case No. -228 Year- 2013 Thana -BANIAPUR District- SARAN

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1. Sharda Devi @ Sarda Devi W/o Satish Kumar Resident of Village Nadi
Ke Par Bangara, P.S. Jalalpur, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Satyavrat Verma(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 29-10-2015

Heard both sides.

The petitioner apprehends arrest in a case
registered for the offences punishable under sections 364, 302,
201/34 of the Indian Penal Code.

Petitioner is not named in the F.I.R.

Sri Vishwanath Prasad Singh, learned Senior
Counsel for the petitioner, submits that there is no tangible
evidence to show involvement of the petitioner in killing of the
deceased. The deceased happens to be Bhagina of the husband of
the petitioner. Mobile sim issued in the name of the petitioner is
said to have been recovered from possession of the petitioner but
this fact does not show that the deceased was killed by the
petitioner and her husband. Husband of the petitioner has already
been granted regular bail.

On the other hand, learned counsel for the State submitted that tower location of both sims bearing nos. 9162605621 and 9801113150 was found near the village of the petitioner. Dead body of the deceased was also recovered from a well situated in the village of the petitioner.

Taking into consideration the fact that the deceased happened to be Bhagina of husband of the petitioner and the deceased had talked with his Mami, (maternal aunt) petitioner, on the date of occurrence several times and that the sim issued in the name of the deceased was also recovered from possession of the petitioner, I am not inclined to grant privilege of anticipatory bail to the petitioner in connection with Bainapur P.S. Case No. 228 of 2013 pending in the court of the learned Chief Judicial Magistrate, Saran at Chapra. Her prayer for anticipatory bail is, accordingly, rejected.

The petitioner, if so advised, may surrender and pray for regular bail which will be considered by the court below taking into consideration the fact that on similar fact, husband of the petitioner has already been enlarged on regular bail.

(Prabhat Kumar Jha, J)

Amin/-

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