

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27800 of 2015

Arising Out of PS.Case No. -168 Year- 2014 Thana -GAURICHAK District- PATNA

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1. Nikki Devi D/o Sri Yogendra Yadav r/o Bibipur, P.S. Gaurichak, Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-10-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Gaurichak P.S. Case No. 168 of 2014 registered for the offences punishable under Sections 302, 201, 120B/34 of the Indian Penal Code.

The son of the informant left his village to go to his in-laws house on 23.06.2014 but he did not return and his mobile was found switched off and further when the informant along with villagers and relative went at Bibipur the in-laws house of his son, he found the house locked and the motorcycle of his son was outside the house and accordingly, it was suspected that the petitioner and other in-laws either have kidnapped his son or have killed him. During investigation the petitioner confessed her guilt

and on the basis of her confession blood stained bag and old cloth of petticoat were recovered and further those were identified by the petitioner vide paragraph 41 of the case diary and she further disclosed that the dead body without head and clothes were buried in the river at separate places and then the dead body without head of the son of the informant was recovered on 01.07.2014 from the said river.

Submission is of false implication, there is no eye witness of the occurrence, it cannot be said that on the basis of confessional statement of the petitioner the dead body were recovered as the confession was recorded on 27.06.2014 and on that date only blood stained bag and old cloth of petticoat was recovered and on 01.07.2014 the dead body was recovered. The petitioner is suffering in custody since 27.06.2014 whereas other co-accused have been allowed pre-arrest bail by the learned Sessions Judge.

Learned APP opposes the prayer of bail by submitting that the petitioner is the wife of the deceased and she having love affairs with her Bahnoi, after making conspiracy, got her husband killed and disposed of the dead body by hiding the same in the river and further the motorcycle of the deceased was also found outside the house of the petitioner.

In the facts and circumstances stated above, considering that on the basis of confessional statement of the petitioner blood stained bag and clothes of petticoat and later on the dead body without head have been recovered and as such this Court is not inclined to enlarge the petitioner on bail, accordingly, her such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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