

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39988 of 2015

Arising Out of PS.Case No. -277 Year- 2014 Thana -WAJIRGANJ District- GAYA

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Reeta Devi W/o late Manoj Chaudhary, R/o vill- Teepau,P.S.
Wazirganj,District Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Ajay Kumar-II, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 14-12-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner happens to be wife of the deceased.

It is admitted case of the prosecution that deceased was residing along with his wife separately from the informant. The informant claims in his written report that when he reached near the house of the deceased, he found the petitioner sitting outside the door and after that, he called out the Sarpanch, in whose presence, the door was opened and dead body of the deceased was found in the said house. The statement of Sarpanch namely, Binod Sharma was recorded by the Investigating Officer at paragraph 30 of the case diary, in which, he stated that when he



went at the house of the deceased, the petitioner was not present there. In presence of the local people, the lock was opened and it was found that the dead body of the deceased was lying on the ground in the house. Similarly paragraph 5 of the case diary reveals that Police got information from Mobile that the wife and children of deceased had absconded after locking the door and, therefore, it is apparent from the aforesaid materials that when the lock was opened, the petitioner was not present near the said house.

Learned counsel appearing for petitioner, submits that petitioner has been roped in this case on the theory that she had illicit relation with one Mostaque Ansari but as a matter of fact, the deceased was killed by the prosecution party as the relation of deceased was not cordial with his father. It is further contended by him that moreover, co-accused Mustaque @ Mustaque Ansari has already been granted privilege of bail by a co-ordinate Bench of this Court vide order dated 26.03.2015 passed in Cr. Misc. No. 49315 of 2014.

Learned counsel appearing for informant vehemently opposed the prayer for bail, submitting that almost all the witnesses stated that it was petitioner who committed the murder of deceased.

Considering the aforesaid facts and circumstances of the case as well as submission of the parties, let petitioner, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Wazirganj Police Station Case No. 277 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Gaya.

(Hemant Kumar Srivastava, J)

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