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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48719 of 2015

Arising Out of PS.Case No. -451 Year- 2015 Thana -HILSA District- NALANDA (BIHARSHARIFF)

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1. Asha Devi @ Rekha Devi wife of Late Upendra Prasad Resident of Village- Malawan, Police Station- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 04-12-2015 Heard the learned counsel for the petitioner, the learned A.P.P as also the learned counsel for the informant.

The petitioner seeks bail in a case for the offences punishable under sections 302 and 201/34 of the I.P.C

Allegedly, the dead body of father of the informant was found lying near Lahra Dak and it is alleged that the petitioner and other co-accused have assaulted the father of the informant in the night and in the morning they have taken away him.

Submission is of false implication and that the petitioner is widow of younger brother of the deceased and to grab her share she has been implicated by the informant. There is no eye witness of the occurrence and only with a view to take

revenge she has been implicated. The witnesses examined during investigation are the men of the informant and are on inimical term with the petitioner. The father of the informant died after drinking wine and his dead body was recovered five kilometer away from the village. During postmortem examination the doctor has found alcoholic smell with semi digested food material in the stomach. Other co-accused, namely, Amit Kumar @ Sonu @ Sony Kumar @ Rakesh Kumar @ Amit @ Sonu Kumar and Chandradeo Prasad have been allowed pre-arrest bail vide Cr. Misc. Nos. 46495 of 2015 and 47374 of 2015 and as such the petitioner also deserves sympathetic consideration as she is suffering in custody since 14.08.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the witnesses have seen the petitioner and others assaulting the deceased and further they have taken away him and the horse-cart driver Dharmendra Kumar has stated that the petitioner brought the father of the informant from his horse-cart and gave fare of Rs.100/- vide paragraph 39 of the case diary. It is submitted that as the deceased was objecting illicit relation of the petitioner with co-accused Chandradeo Raut she along with others committed the crime, paragraphs- 16, 17, 18, 19, 20, 28, 29 and 30

of the case diary have been referred, and the doctor has also found external injury on the person of the deceased.

In the facts and circumstances as stated above, considering that the witnesses have seen the petitioner assaulting the deceased and further taking away him and as such this Court is not inclined to enlarge the petitioner on bail and accordingly her such prayer stands rejected in connection with Hilsa P.S. Case No. 451 of 2015 pending in the court of A.C.J.M. Hilsa, Nalanda.

However, the trial court is directed to expedite the trial and to conclude the same preferably within six months, failing which the petitioner will be at liberty to renew her prayer for bail.

(Jitendra Mohan Sharma, J)

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