

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52038 of 2016

Arising Out of PS.Case No. -447 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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1. Sanju Devi Wife of Late Tilo Yadav Resident of Village Kumharchakki
P.S. Muffasil, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 19-12-2016 Heard learned counsel for the petitioner as well as

learned APP for the State.

On account of commission of murder of husband of petitioner, instant case has been registered on the Fard-e-beyan of petitioner against named accused. During course of investigation as per statement of Manju Devi (Para-12 of the case diary), she enlightened whereunder, it was exposed that petitioner had fallen in love with Tunis Yadav and for that she was regularly forbidden at the end of the deceased and for that a *Panchayati* was also convened at the local level, even then, the relationship continued and in the aforesaid background, she hatched a conspiracy whereunder murder was committed and so, petitioner has also been transposed as an accused.

From perusal of the case diary, it is further evident that



Tunis Yadav was apprehended and made inculpatory extra-judicial confessional statement (para-26) whereunder he had claimed to be in possession of fire arm which was used during course of occurrence and further, the aforesaid arms and ammunitions were handed over by the Tunis Yadav, for that seizure list (para-28) was prepared.

It is further evident that SIM Number belonging to the petitioner, Tunis Yadav as well as that of deceased were taken out and from the call details, it is apparent that on the alleged date of occurrence, the deceased was properly wached by Tunis Yadav. It is also evident from the call details that petitioner along with Tunis Yadav was in regular contact even on the alleged date and time of occurrence.

It has been submitted on behalf of petitioner that on that very basis, petitioner could not be denied bail as there happens to be missing link and for that submitted that the fire arms which is said to have been handed over by Tunis Yadav is yet to be examined by the ballistic expert who could have given his opinion whether the fire arm was used or not and in likewise manner, the pellets or bullets, whichever may be, having been fired from the aforesaid weapon, was found during course of postmortem report, cause of death.



Apart from this, the circumstantial evidence should have also been to the extent that petitioner had agreed with Tunis Yadav to commit murder even considering the prosecution case that on account of love affair, petitioner might have provoked Tunis Yadav to commit murder as the deceased was hurdle in between them.

It has also been submitted that during course of inculpatory extra-judicial confessional statement, Tunis Yadav named one Sanjeevan Yadav who has already been granted bail.

Learned APP opposed the prayer and submitted that the case of Sanjeevan Yadav is not on the similar footing than that of the petitioner. So, petitioner cannot take advantage thereof.

Considering the material in its totality, for the present, I am not inclined to release the petitioner on bail. Prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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