

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41241 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -BHIMPUR District- SUPAUL

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1. Sita Devi W/o Gopal Mehta, Resident of Village- Chainpur, P.S. Bhimpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-12-2016 Heard both sides.

The petitioner apprehends her arrest in Bhimpur P.S. case No. 42 of 2016 under Section 302, 34 of the Indian Penal Code.

The informant named the petitioner and other accused persons and alleged that his sister was strangled to death by the accused persons. His nephew, Shyam Kumar, saw the occurrence, while he was sleeping along with his mother.

Sri Pramod Mishra, the learned counsel for the petitioner, submits that petitioner is a lady and she is agnate of the deceased. On account of family dispute entire family members have been implicated in the case. The post mortem report shows that the deceased got no external or internal injury but from



perusal of the case diary, it appears that in the inquest report it is mentioned that there was redness around the neck and in paragraph 8 of the case diary, Shyam Kumar, son of the deceased, stated that, on alarm, he woke up and saw the petitioner and other accused persons strangulating his mother and on account of strangulation his mother died.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit, without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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