

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5290 of 2016**

Arising Out of PS.Case No. -96 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

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Sunita Devi Wife of Guddu Pal Resident of village- Bhitbherwa, P.S.-  
Gopalganj, District- Gopalganj

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      18-03-2016              A supplementary affidavit has been filed on behalf of the  
petitioner which may be kept on record.

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending her arrest in a case  
instituted under Sections 304B, 201 and 120B/34 of the Indian  
Penal Code.

Allegation against the petitioner is that husband of the  
daughter of the informant had developed an illicit relation with the  
petitioner and on protest by her (daughter of the informant), she  
was assaulted and a conspiracy was hatched to kill her by the  
accused persons. Later, it was informed to the informant that his  
daughter was killed and her dead body had been disappeared by  
the accused persons.

It is submitted on behalf of the petitioner that she has got  
no criminal antecedent. Petitioner is the first wife of the husband  
of the deceased. From perusal of Annexure-3 to the supplementary  
affidavit it appears that the alleged deceased has been recovered  
alive from the house of the informant. It is no more a case for  
offence under Section 304B of the Indian Penal Code.

The order of the court below dated 24.2.2016 shows that daughter of the informant has been released in his favour.

On behalf of the State, it is submitted that petitioner has been made accused due to mistake of fact.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj P.S. Case no. 96 of 2015/G.R. no. 747 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

sudip/-

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