

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1805 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -BASOPATTI District- MADHUBANI

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1. Raj Banti Devi @ Rajwati Devi Wife of Late Shiv Jee Paswan Resident
of Village - Khauna, P.S. Basopatti, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Smt. Sharda Kumari(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Basopatti, P. S. Case No. 79/2015 registered for offences
punishable under Section 302 of the Indian Penal Code.

The prosecution case by informant one Vijay Sahu is
that in the morning of 15.06.2015 he went to Madhubani for the
Court case against the petitioner. On his mobile he received
message that his wife is in an emergency on which informant
reached at his home Khauna Village and saw his wife Inari Devi
lying dead on Veranda of his house, where the informant learnt
from persons that petitioner had pressed her neck, resulting in
her death. It is also alleged that on account of previous enmity
and on the basis of suspicion as she had threatened earlier such

act has been committed by the petitioner.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has committed no offence and has no criminal history, as is evident from para-3 of this petition.

It has further been submitted there is no eye witness to the said occurrence as per supervision note, which finds place at para-31 of the case diary. The daughter of the informant has given contradictory statement that the informant's wife hang herself and later on it was stated by the informant's daughter that she was killed by strangulation. Learned counsel for the petitioner also refers to paras 37, 38, and 49 of the case diary stating therein that all independent witness are hearsay witnesses. The allegation that some body has entered the house of informant for ulterior motive has also not been seen by any of the persons, as the informant's house is surrounded by many houses close to each other.

However, learned A.P.P. for the State submits that there is a land dispute between the parties and the petitioner is named in the F.I.R., hence opposes the prayer for bail.

Be that as it may, since there is no eye witness and contradiction in the statement of the daughter of the informant, let

the above named petitioner in the event of her arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand with two sureties of like amount each to the satisfaction of learned Shri Ravi Shankar Kumar, Judicial Magistrate, 1st class, Madhubani in connection with Basopatti P.S. Case No. 79/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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