

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9357 of 2016

Arising Out of PS.Case No. -124 Year- 2015 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

1. Pratima Devi W/o late Jitendra Kumar@Jitendra Prasad R/o Village-
Gonahi P.s Patahi District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Amrendra Pd.(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioner apprehends her arrest in connection with
Patahi P.S.Case No.124 of 2015 registered for offence punishable
under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case as lodged by the informant on
06.08.2015 at 8.00 P.M. is that pumping set was running for
irrigating his field situated South to his residence and his son
Jitendra Kumar went to irrigate his field but he did not reach there.
On the way, accused Lalbabu Rai including all the accused
persons caught him and killed him. The accused persons also used
to threaten that the family members of the informant will be killed.

It has been submitted by the learned counsel for the petitioner that she is not named in the F.I.R. and during course of investigation, one of the co-accused Rajesh Kumar Yadav named her, who is also a cousin brother of the deceased and brother-in-law of the petitioner.

It has further been submitted that the petitioner has clean antecedent and the allegation upon the petitioner is of killing her husband on the confessional statement of Rajesh Kumar Yadav, which has no evidentiary value in the eye of law, who is cousin brother of the deceased and brother-in-law of the petitioner. It has also been submitted that the allegation upon the petitioner of having illicit relation with co-accused, is false and fabricated and the petitioner along with Rajesh Kumar Yadav and Chunchun Rai have already been charge sheeted.

It has further been stated that the present application has been sworn by the father-in-law of petitioner and father of the deceased, hence the allegations are false.

However, learned A.P.P. for the State submits that the independent witnesses are neighbours. During investigation, it has been found that the petitioner and the co-accused Rajesh Kumar Yadav had a long telephonic message with each other.

Since during investigation, there are sufficient

materials to show the implication of the petitioner, let the petitioner surrender before the Court below, which will be considered by the learned Court below taking into consideration that the affidavit of this application has been sworn by the father-in-law and other aspects on its own merits and the same may be decided preferably on the same day.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--