

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54318 of 2016

Arising Out of PS.Case No. -117 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Guriya Mishra, W/o Sudhir Mishra, Resident of village - Gonha, P.S.
Raxaul, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Smt. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-01-2017 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner is apprehending her arrest in Raxaul P.S.
case No.117 of 2016 registered under Sections 363 and 365/34 of
the Indian Penal Code, pending before the court of S.D.J.M.,
Raxaul at Motihari, East Champaran. Later on Section 302 I.P.C.
was added.

Allegation is that the accused persons including the
petitioner kidnapped the son of the informant in a planned way.
Thereafter dead body of the son of the informant was found in a
bamboo clump.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The
petitioner is a lady. There is no eye witness to the alleged



occurrence nor there is any substantive evidence to suggest her implication in the present case. The witnesses in paragraphs 145, 147, 148, 149, 151, 152 and 153 of the case diary have stated that on the alleged date of occurrence the petitioner was not present in the village.

On behalf of the State and the learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. As per the allegation, the husband of the petitioner had given the victim money to buy biscuit. Thereafter he had asked the victim/deceased to go and return the balance amount to his wife and thereafter his dead body was found. The said fact has been supported by the prosecution witnesses in paragraphs 24, 25 and 34 of the case diary.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner. Prayer for anticipatory bail is rejected.

Anyhow if the petitioner surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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