

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31268 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -MARKAHI District- KHAGARIA

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Usha Devi, wife of Raj Kumar Sharma, resident of Village- Banher, P.S.-
Morkahi, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 17-07-2017 Heard both sides.

The petitioner apprehends arrest in connection with
Morkahi P.S. Case no. 39 of 2017 registered for the offence
punishable under Sections 302/34 of the Indian Penal Code.

The informant has alleged that his daughter was married
with the son of this petitioner. His son-in-law in connection with
livelihood mostly resides at Assam. His daughter had gone for
treatment and after treatment she returned and stayed in her
Sasural. On 02.04.2017, he got information regarding death of
his daughter. His daughter used to say that her father-in-law had
evil eyes on her.

Learned counsel for the petitioner submits that the
deceased was residing with her husband and children at Asam.
She had good relation with her husband. There is no allegation of



any ill treatment of the deceased at the instance of the petitioner or her husband. The petitioner is mother-in-law of the deceased and there is no specific allegation of assault and torture on her and so she deserves anticipatory bail.

The learned APP, on the other hand, opposed the submissions.

On perusal of the written report, it appears that this petitioner and her husband are named in the F.I.R. and allegation is that the husband of this petitioner had evil eyes on the deceased. The deceased had complained against her father-in-law several times to this petitioner but of no avail rather this petitioner abused the deceased on all the occasion. There was none else except this petitioner and her husband in the matrimonial house of the deceased. The husband of the deceased was residing at Asam. The deceased died an unnatural death in the house of this petitioner and her husband for which there is no satisfactory explanation.

Considering the allegation of committing murder against the petitioner, I do not find it a fit case for anticipatory bail. The anticipatory bail prayer of this petitioner is rejected.

(Sanjay Kumar, J)

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