

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60457 of 2017

Arising Out of PS. Case No.-236 Year-2017 Thana- SAKRA District- Muzaffarpur

Kavita Kumari @ Kumari Kavita, Wife of Late Abhishek Kumar, Resident of Village- Kanahuli, Bawan Bigha, Road No.-04-B, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 02-02-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Sakra P.S. Case no. 236 of 2017 registered under Sections 302, 120-B/34 of the Indian Penal Code.

The petitioner is said to have committed murder of her husband by administering him poison along with her family members.

It is submitted by learned counsel for the petitioner that she has no concern with the aforesaid occurrence. She has been falsely implicated in this case. As a matter of fact, the deceased was working in the Financial Company and his pass-



book etc. were with his father who used to subject him to torture and due to said torture, he left his job and he was in depression and due to said depression, he consumed poison. He was rushed to hospital by the petitioner and her family members and the informant was informed accordingly. But, despite best efforts, victim could not be saved. Petitioner happens to be lady. She has been languishing in custody since 29.06.2017. Similarly situated co-accused persons, namely, Harendera Kumar @ Harendra Kumar and Sunaina Devi have been enlarged on bail vide order dated 16.01.2018 passed in Cr. Misc. no. 54124 of 2017 by a co-ordinate Bench of this Court, who happens to be the parents of the petitioner.

On the other hand, learned APP submitted that sister of the deceased in paragraph 24 of the case diary has stated that the deceased has sent whatsapp message to her to the effect that the petitioner was cozy to other persons, namely, Awdhesh Kushwaha and Amarjit since before her marriage and due to aforesaid reason the relation between petitioner and her husband was strained and the petitioner and other accused persons have committed murder of the deceased by administering him poison. After investigation of the case, police submitted charge-sheet under Section 306 of the IPC



against the petitioner.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, bail petition of the petitioner is rejected.

However, learned lower court is directed to dispose of the case as expeditiously as possible preferably within six months from the date of commitment of the case.

(Prakash Chandra Jaiswal, J)

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