

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57801 of 2018

Arising Out of PS. Case No.-184 Year-2018 Thana- HUSSAINGANJ District- Siwan

Hena Begum @ Heena Khatoon Wife of Javed Ahmad, resident of Village-
Hathaura, Police Station- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjum Perveen

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-12-2018 Heard the learned counsel for the petitioner,

learned counsel for the informant and the State.

The petitioner seeks bail in anticipation of her arrest in connection with Hussainganj P.S. Case No. 184 of 2018 dated 22.06.2018 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

The brother of the deceased has lodged a written report alleging that his sister died under suspicious circumstances. Prima facie, it appeared to him that there was some foul play in the death of his sister. During the course of investigation, needle of suspicion veered round the petitioner who is the elder sister-in-law of the deceased and



according to the prosecution version, she stayed in the same house as that of the deceased. It has further been suggested during the course of investigation that the deceased was upset with the fact that the petitioner had developed illicit relationship with the husband of the deceased and that there is a possibility of deceased having committed suicide because of the aforesaid fact. The investigation papers reveal that the informant, his wife and his aunt, whose statements have been recorded in paragraph nos. 15, 16 and 21 of the case-diary have stated that there is a strong suspicion against the petitioner as in the past also she had been commenting / insinuating upon the deceased. However, the statement of the villagers and independent persons, which have been recorded in paragraph nos. 59, 60 and 61 of the case-diary indicate that the relationship of the deceased with her husband was cordial and nobody ever saw them fighting in the past.

Learned counsel for the petitioner therefore, on the strength of the aforesaid statements given by the witnesses during the course of investigation, has suggested an



inference that the reason for suspecting the hands of the petitioner even for the purposes of abetting the offence of suicide is not sustainable for the reason that if there was any illicit relationship of the husband of the deceased with the petitioner, it would have been a foregone conclusion that the relationship between the spouses would not have been cordial.

In any view of the matter, the implication of the petitioner in the present case is only on the basis of suspicion.

Learned counsel appearing for the informant, however, has submitted with reference to the supervision note which has been made part of the case-diary that in the night of the occurrence, the deceased was seen with her husband and this was witnessed by the daughter of the deceased. The supervising authority therefore was definitely of the view that the offence of 302 is not made out.

Learned counsel for the State, however, has submitted that there are instances of insinuation against the deceased at the hands of the petitioner and others and



therefore the suspicion in the mind of the informant that the deceased has been either abetted to have committed suicide or was murdered is not without any basis or material.

After having heard the learned counsel for the parties and on perusal of records, it appears that the implication of the petitioner in the present case is only on the basis of suspicion. Whether such suspicion is unfounded or has some legs to stand would depend upon the further result of investigation.

However, taking into account that the petitioner is related to the deceased and had been staying in the same house and also taking into account her gender, this Court is inclined to grant anticipatory bail to her.

For the aforesaid reason, the petitioner above-named is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Siwan in connection with Hussainganj P.S. Case
No. 184 of 2018, subject to the conditions as laid down
under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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