

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7430 of 2019

Arising Out of PS. Case No.-114 Year-2018 Thana- JADIA District- Supaul

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GURIYA KUMARI W/o Satish Kumar Resident of Village – Datua, P.S.
Jadia, District - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 21.07.2018 in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Sections 27 of the Arms Act.

The prosecution case got initiated on the basis of written report of Satish Kumar submitted to the Station House Officer, Jadia Police Station is to the effect that on 07.07.2018 at 10.00 P.M., the father of the informant was sleeping in the Verandah of his house, while the informant was sleeping in the northern side and informant's wife and sister were sleeping adjacent to a room of the Verandah. On 08.07.2018 at 1.45 P.M., the informant woke up and felt that 2-3 persons are standing in



front of his door. The informant tried to call his father, but his father did not give any response, thereafter, at 2.00 P.M, he called his uncle through mobile phone. In the meantime, the informant felt that two persons are fleeing on a motorcycle towards the main road. Subsequently, when the uncle of the informant and other relatives came, then the informant found his father soaked with blood, with injury on his nose and back side of his neck and he was found dead, leading to registration of FIR again against three unknown persons. In the subsequent statement the informant developed a story that the petitioner, who happens to be the wife of the informant has some illicit relationship with his maternal brother Chandan Yadav and on the day of the occurrence, he visited, the house of the informant and remained with the petitioner for few hours which was noticed by the sister of the informant, Nitu Kumari as well as the father of the informant and thereafter, there was some hot exchange of words between the co-accused Chandan Yadav and the father of the informant for the same, hence, it was suspected that the petitioner in connivance with co-accused Chandan might have committed the offence of murder of the father of the informant. Subsequently, the confessional statement of the petitioner as well as the co-accused Chandan Yadav and Guddu



Kumar were recorded in paragraph nos. 41,41 and 48 of the case diary wherein, they have confessed about commission of the offence.

It is submitted by learned counsel for the petitioner that this is not in dispute that there is no evidence with regard to the factum of the killing of the father of the informant and only suspicion has been raised against the petitioner and police has forced the petitioner to confess about her involvement in the said occurrence. It is further submitted that the prosecution case got initiated with the written report and after about 5 and half hours of the actual occurrence, when there was no occasion for the informant not to raise suspicion against the petitioner. Hence, the subsequent statement by the informant or by her sister appears to be a subsequent development by the prosecution. It is further submitted that the co-accused Chandan Kumar Yadav alias Chandan Kumar has been granted bail by this Court vide order dated 25.1.2019 passed in Cr. Misc. No. 77283 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State, after going through the case diary, submits that since the petitioner's illicit relationship



with the co-accused Chandan Kumar was objected by the father of the informant being father-in-law of the petitioner. Hence, she killed the informant's father which gets corroborated from the confession of the petitioner, co-accused Guddu Kumar and Chandan Yadav. However, he admits that there is no eye witness to the occurrence.

Considering the fact that there is no eye witness to the occurrence, suspicious nature of accusation and the investigation being already concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Supaul in connection with S.T. No. 352 of 2018 arising out of Jadia P.S. Case No. 114 of 2018.

(Dinesh Kumar Singh, J)

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