

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.75193 of 2018

Arising Out of PS. Case No.-72 Year-2018 Thana- MAGADH UNIVERSITY District- Gaya

Rekha Devi, Wife of Vijay Chaudhary, Resident of Village- Bara, P.S.-
Magadh University, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Sri Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending her arrest in a case registered for the offences punishable under Sections 363, 302 and 201/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Upendra Das recorded by Abuzar Hussain Ansari, Station House Officer of Magadh University P.S. on 30.05.2018 at 10.50 P.M., is to the effect that on the same day at 10.30 A.M., the wife of the informant, Sanju Devi informed him through mobile phone that their only son, Karan Kumar who was playing outside the house went missing. On this information the informant, who was working at village Matihani, came to his village home and inquired from the villagers. During search at 6.45 P.M., from the terrace of the shop of co-accused Pintu Choudhary, the dead body of the son of the informant kept in a gunny bag was



recovered. On recovery of dead body Pintu Choudhary started to flee away from the place of recovery but he was being apprehended. The genesis of the occurrence has been specifically stated in the written report that on the eve of Holi, there was some scuffle between co-accused Pintu Choudhary, mother of Pintu Choudhary, the petitioner and Guddu Kumar, brother of Pintu Choudhary with the informant when they threatened to kill the heirs of the informant.

It is submitted by learned counsel for the petitioner that only on the basis of the suspicion, the accusation has been levelled against the petitioner. It appears unreasonable and unbelievable that someone will kill and keep the dead body on his terrace. It is further submitted that the petitioner has been roped in the present case since she is the old mother of co-accused Pintu Choudhary. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the dead body of the victim has been recovered from the terrace of the shop of the son of the petitioner, Pintu Choudhary and they threatened much prior to the occurrence.

Considering the fact that the impugned order does not



suggest that any incriminating material has been collected during investigation against the petitioner except the suspicion, the suspicious circumstantial nature of accusation and the petitioner is a old lady, coupled statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gaya in connection with Magadh University P.S. Case No. 72 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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