

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25082 of 2019

Arising Out of PS. Case No.-98 Year-2016 Thana- BANKA District- Banka

SABITA DEVI Wife of Kumod Rai Resident of Village - Karar, P.S.- Banka,
Distt - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Prasad Roy

For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Banka P.S. Case No.98 of 2016
registered for the offence punishable under Section 304(b)/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant of this case is the mother of the deceased who alleged
that her daughter Rabri Devi was married to one Santosh Rai.
After marriage when her daughter went to her sasural, she
informed her on telephone that her husband, father-in-law,
brother-in-law, Bhaisur and wife of Bhaisur whose name is not
known used to demand motorcycle and a mobile phone of Nokia
company otherwise they were threatening to kill her. It is



alleged that her daughter had been strangled which information she got through one Bachu Rai of village Karar. In view of these allegations this petitioner being the wife of elder brother-in-law of the deceased has been made accused. It is his submission that there is no specific allegation against this petitioner. In course of investigation it has come that she lives separately in mess and business from that of the family of the deceased and in fact in paragraph 15, 16 and 17 of the case diary it has come that the dead body of the deceased was brought outside the room after breaking open the door which means that the deceased had committed suicide after locking her inside the room.

Learned APP for the State is present. He has gone through the case diary and submits that in the aforesaid paragraphs it is stated that the dead body of the deceased was brought outside after breaking open the door.

In the given facts and circumstances of the case where this petitioner is said to be Gotani, there is no specific allegation against her in the FIR and further that the dead body of the deceased was brought outside after breaking open the door as also that the petitioner claims to be living separately in mess and business, let the petitioner above named, in case of her arrest or



surrender within four weeks from today in connection with Banka P.S. Case No.98 of 2016, be released on bail on execution of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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