

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36434 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- KHUDWA District- Aurangabad

SUDHA DEVI Wife of Satish Sharma R/o village- Badpisai, P.S.- Khudwan,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Purushotam Sharma, Adv.
For the State	:	Mr. Nand Kishore Prasad, APP
for the Informant		Mr. Shiva Shankar Pd. Singh, Adv.
		Mr. Pusupendra Priyadarshi, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending her arrest in a case registered for the offence punishable under Sections 363, 364, 120B/34 of the Indian Penal Code and Section 302 of the I.P.C. which was further added.

The prosecution case is that the son of the informant Poonam Devi on 01.03.2019 had gone to Pathra primary School to study wherefrom he did not return. The informant Poonam Devi has suspected that her husband Satish Sharma, second wife of her husband Sudha Devi, her father-in-law Purendra Sharma and mother-in-law Dharmshila Devi had kidnapped her son and committed his murder because previously the accused persons



had administered thorn-apple (Dhatura seeds, a poisonous substance) to snuff out his life.

It has been submitted on behalf of the petitioner that she is innocent, bears no criminal antecedent and has been falsely implicated in the present case. He submits that there is no specific allegation against the petitioner and the main accused Satish Sharma, the husband of the petitioner, is in custody.

On perusal of the case diary in para-81 that Satish Sharma had concealed Gamchha and bottle of acid nearby which was recovered. Thus the confessional statement of Satish Sharma led to recovery and on this score the confessional statement is credible. Vide para-92 postmortem report finds place. The doctor holding P.M. examination has categorically opined that the burn was antemortem. Such opinion belies the contention of the petitioner in his confessional statement that the acid burn was postmortem. FIR itself goes to substantiate that previously thorn apple (Dhathura) was administered to victim with intent to kill him but failed. The entire episode was doctored just to deprive the victim from his share in property and nothing else.

Considering the facts and circumstances of the case, I



am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, her payer for anticipatory bail is rejected in connection with Khudwan P.S. Case No. 10 of 2019 pending before the court of the learned Judicial Magistrate 1st Class, Daudnagar, District-Aurangabad.

Accordingly, the application is dismissed.

However, petitioner is directed to surrender before the learned court below and if she does so and makes prayer for bail, the learned court below shall consider the same on the same day.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

