

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75787 of 2018

Arising Out of PS. Case No.-132 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

Moni Kumari @ Monika Kumari Daughter of Suresh Singh, Resident of Village Guriyawan, P.S.- Bodh Gaya District Gaya, Presently resident of Village Umta, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the wife of the victim, is languishing in custody since 05.05.2018 in a case registered for the offences punishable under Sections 302 and 120B/34 of the Indian Penal Code.

The prosecution case as per the written report of Ramanuj Sharma submitted to the Station House Officer of Makhdumpur Police Station is to the effect that the son of the informant, Mananjay Sharma was married with the petitioner, Moni Kumari in 2015. After few months of the marriage, life threats was being given to the son of the informant but the informant and his son did not disclose the incident to others due to the fear of degradation of prestige. On 01.05.2018 the



informant went to attend the marriage ceremony of his nephew where the informant's son and the petitioner were also present but she did not attend the marriage ceremony on the ground of her illness. She also did not allow the son of the informant to attend the said marriage ceremony. Hence, it is alleged that the petitioner in connivance with two unknown accused persons, killed the son of the informant. Though, she made a telephone call to the informant and conveyed that his son is not well, though, his son was killed prior to the telephone call made by the petitioner.

It is submitted by learned counsel for the petitioner that only on the basis of suspicious, the accusation has been levelled and there is no eye witness to the occurrence.

Learned APP after going through the case diary submits that the relationship of the petitioner was not cordial with the victim. The petitioner has made confession that she hired co-accused Prince and Chhotu to kill her husband since she had illicit relation with someone else and she also gave vivid description of the manner of occurrence to the effect that with her dupatta, her husband was strangled. On the basis of her confession the alleged dupatta was recovered.

Learned counsel for the informant submits that though



there is no eye witness to the occurrence but the accusation of strangulation at the behest of the petitioner by two co-accused persons Prince and Chhotu gets corroborated with the medical opinion and the alleged dupatta of the petitioner which was used in commission of the offence has also been recovered. Hence, the conduct of the petitioner is very heinous, moreover, the prayer for bail of co-accused Prince Kumar has been rejected by a co-ordinate Bench of this Court vide order dated 10.01.2019 passed in Cr. Misc. No. 74942 of 2018.

Considering the nature of accusation, particularly, the fact that the confession of the petitioner before the police being corroborated by the medical opinion, particularly, the recovery of the dupatta in pursuance to the confession of the petitioner by which the husband of the petitioner was strangled, this Court is inclined to grant bail to the petitioner in connection with Makhdumpur P.S. Case No. 132 of 2018, pending in the Court of learned Sub-divisional Judicial Magistrate, Jehanabad.

Accordingly, the prayer for bail of the petitioner is rejected.

(Dinesh Kumar Singh, J)

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