

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51173 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- AANDAR District- Siwan

Pinki Devi @ Pinki Kumari, aged about 35 years, Gender-Female, Illegal
Wife of Jitendra Sah, Resident of Village - Asao, P.S.- Andar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends her arrest in connection
with Andar P.S. Case No. 65 of 2019 registered for the offences
punishable under Sections 302/120(B)/34 of the Indian Penal
Code.

As per the written petition, the prosecution case, in
short is that her marriage was solemnized with Jitendra Sah in
the year 1995 according to Hindu rites and rituals and out of the
wedlock she has been blessed with three daughters and one son.
It is further alleged that her husband Jitendra Sah is a teacher
posted at Kateya, District- Gopalganj. It is further alleged that in
the year 2011, her husband developed illicit relation with Pinki
Kumari and solemnized marriage with her illegally and Pinki



also blessed with two sons. It is further alleged that her husband and his second wife Pinki had kept her daughter Priya for the last four years, but they never allowed the Priya to talk on her phone. It is further alleged that after few days back her daughter sent a message that she has been tortured by Jitendra Sah and Pinki. It is further alleged that on 22.04.2019 at about 5:00 P.M., her husband talked with his mother on the mobile of Lal Bahadur Sah about ill health of Priya, then she told her husband to take Priya here and thereafter her husband brought Priya on 22.04.2019 at about 8:00 P.M. on dead condition. It is further alleged that there was mark of rope on her neck and her right hand was blackish. It is further alleged that she is under full belief that Jitendra Sah and his second wife Pinki Kumari murdered her daughter.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence, rather he has falsely been implicated in this case. He further submits that there is no evidence either direct or the circumstantial against the petitioner regarding the charges as attributed against him. It is further submitted that the allegation levelled against the petitioner is false and fabricated and there is no evidence.

I have gone through the case diary and other materials



available on the record. There is direct allegation against the petitioner regarding her ill behaviour against Priya Kumari (deceased), daughter of the informant.

In the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for grant of anticipatory bail to the petitioner is hereby rejected.

However, the petitioner is at liberty to surrender before the learned court below and learned court below shall consider the prayer for bail of the petitioner on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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