

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62813 of 2018

Arising Out of PS. Case No.-621 Year-2015 Thana- BANKA District- Banka

Sabnam Kumari, W/o Late Jitendra Yadav, Resident of Village- Belutikar,
P.S.- Banka, District- Banka, at present D/o Pramod Yadav, Resident of
Village- Baniyanchak, P.S.- Barahat, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Sri Abhay Kumar - 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 21-01-2019 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 302 and
201/34 of the Indian Penal Code.

The prosecution case got initiated on the fardbeyan of
Kailash Yadav that on 10.10.2015 at 11.00 A.M., the son of the
informant, Jitendra Yadav, went to drive the school bus but he
did not return when it was assumed by the informant that he
must have gone to his in-laws house but next morning his dead
body was recovered, leading to registration of FIR against
unknown persons. During investigation, a confession of one
Himanshu @ Hira Yadav was recorded in paragraph no. 72 of



the case diary where he confessed that he had love affair with the petitioner, who happens to be the wife of the deceased, hence, he hired one person namely, Pentar Mishra to assault the husband of the petitioner, the deceased. The confessional statement of Pentar Mishra has been recorded in paragraph no. 73 of the case diary where he has stated that he was hired by Hira Yadav only to assault the deceased but accidentally due to the severe assault, the victim died.

It is submitted by learned counsel for the petitioner that even assuming the confessional statement of Himanshu @ Hira Yadav and Pentar Mishra true, no offence under Sections 302 and 201/34 of the IPC is made out against the petitioner as they have not accepted the fact that the petitioner, ever asked them to assault her husband. The conclusion drawn from the statement of Himanshu @ Hira Yadav against the petitioner is that she had illicit relationship with Himanshu @ Hira Yadav and thereafter the accusation is against the Pentar Mishra. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that the petitioner has illicit relationship with co-accused Himanshu @ Hira Yadav.



Considering the fact that Himanshu @ Hira Yadav and Pentar Mishra are alleged to be assailants and the petitioner is a lady, coupled with the 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 Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 621 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

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

