

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79887 of 2019

Arising Out of PS. Case No.-159 Year-2019 Thana- BARGAINIA District- Sitamarhi

NITU DEVI Wife of Sunil Paswan Resident of Village- Pachtaki Yadu, P.S.-
Bairganiya, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

21 16-12-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner, who is in custody since 20.07.2019, seeks bail in connection with Bairgania P.S. Case No. 159 of 2019 dated 19.07.2019 instituted for the offences under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

It is pretty strange that the petitioner has been made accused at the instance of her husband. According to the FIR, the husband of the petitioner contracted marriage with a dancer in an orchestra party, which was naturally not to the liking of the petitioner.

It has been alleged that ever since the informant had married Firoza Khatoon, the dancer (deceased), the petitioner had been harassing and



troubling the informant as well as the deceased. After the informant came back from Nepal where he had visited for a short trip, he did not find the deceased. No satisfactory answer was given by the petitioner when she was confronted with the question regarding the whereabouts of the deceased. Later, the informant claims to have found the dead body of the deceased thrown in a field. It has therefore been suspected by the husband of the petitioner that she has a hand in eliminating the deceased.

Learned counsel for the petitioner has submitted that though there could be suspicion on the petitioner but in the absence of any evidence whatsoever regarding her participation in the occurrence, she cannot be kept in custody for such a prolonged period. Assuming that the petitioner misbehaved with the informant and the deceased, such conduct was very natural of a woman whose husband marries for the second time during the subsistence of the marriage with her. But saddling her with the charge of killing the other woman on that basis alone would be too far fetched. In the entire investigation papers, but for the suspicion, there is no other material to connect the petitioner with the crime.

Regard being had to the period of custody and



the gender of the petitioner, she is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 159 of 2019.

However, the petitioner would be under an obligation to participate in the trial and any reluctance of her in that regard would entitle the prosecution to move an application for cancellation of the bail granted to her.

(Ashutosh Kumar, J)

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