

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4854 of 2020

Arising Out of PS. Case No.-53 Year-2019 Thana- SALAKHUA District- Saharsa

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Sajo @ Sahjahan Khatun, aged about 27 years, female, Wife of Late Md. Tasheer, Resident of Village - Kashimpur, P.S.- Salkhua, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Mishra, Advocate
For the State	:	Mr. Bal Mukund Prasad Sinha, APP
For the Informant	:	Mr. Diwakar Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 03-06-2020 Heard Mr. Ashok Kumar Mishra, the learned counsel appearing on behalf of the petitioner, Mr. Bal Mukund Prasad Sinha, the learned Additional P.P. as well as Mr. Diwakar Prasad Singh through video conferencing.

The petitioner seeks bail in Salkhua P.S. Case No.53 of 2019, corresponding to Sessions Trial No.138 of 2019, registered under Sections 302/34 of the Indian Penal Code.

The informant is the mother of the deceased. The petitioner is the wife-widow of the deceased. The informant alleged that her daughter-in-law, the petitioner, was having illicit relation with Md. Safir. The husband of the petitioner saw her talking with Md. Safir. On such, some verbal altercation took



place between the husband and wife. In the night, the informant alleged that the petitioner, her paramour with the help of one another person got her husband killed by stabbing him. The informant further disclosed that her grandson, Md. Shahnawaz aged about 10 years saw the entire occurrence and disclosed that the petitioner helped in killing his father.

Mr. Ashok Kumar Mishra, the learned counsel for the petitioner submits that the petitioner is admittedly the widow of the deceased and there is no allegation of assault against the petitioner. Shahnawaz, the son of the petitioner is the only eye witness of the occurrence. In his examination-in-chief, Shahnawaz, PW2 disclosed that his mother was sitting on the abdomen of his father and Safir stabbed his father killing him on the spot but in cross-examination the boy did not disclose any incriminating evidence against the petitioner. The petitioner is not the assailant of her husband. She is rotting in jail for last 14 months. Being a lady, the petitioner deserves bail but Mr. Diwakar Prasad Singh, the learned counsel for the informant and Mr. Bal Mukund Prasad Sinha, the learned Additional P.P. vehemently opposed the prayer for bail and submit that the wife of the petitioner had talk with her paramour for more than thousand times. On the basis of the confession of the petitioner,



Ativan tablets was recovered from the room. The weapon dagger used for the offence was also recovered in pursuance of the confession of the petitioner. The trial has already begun and the same is likely to be concluded in near future, therefore, the petitioner does not deserve bail.

It appears that the petitioner was having illicit relation with Md. Safir and on account of this fact, she was not feeling well with her husband, therefore, she hatched up a conspiracy to kill her husband and in pursuance of the aforesaid conspiracy, the petitioner got her husband killed. Ten years son of the petitioner narrated the entire story how his father was killed. The petitioner also confessed and in pursuance thereof five tablets and weapon of crime was recovered.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is rejected.

The trial court is directed to expedite the trial and hold the same on day to day basis so that the trial must be concluded within eight months from the date of receipt of this order.

The Superintendent of Police, Saharsa is directed to ensure the attendance of the prosecution witnesses so that the trial must be concluded with eight months. If the trial is not



concluded within eight months, the petitioner, if so advised, may
renew her prayer for bail.

(Prabhat Kumar Jha, J)

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