

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5848 of 2020**

Arising Out of PS. Case No.-412 Year-2019 Thana- RAHUI District- Nalanda

NEELAM DEVI W/o Sugrib Paswan Resident of Village - Mazidpur, P.S.-
Rahui, Dist.- Nalanda at Present Daughter of Nawal Paswan, Resident of
Village - Sathopur, P.S.- Deepnagar, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 08-10-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

Petitioner in the present case is seeking pre-arrest bail in
connection with Rahui P.S. Case No.412/2019 for the offence
punishable under Sections 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is the third wife of one Sugrib Paswan (co-accused). The
anchor-sheet of the argument of the petitioner is that she had filed a
complaint case bearing no.840C/2014 against her husband Sugrib
Paswan and others for the offence alleged under Sections 341, 323,
354(a), 498A, 379 and 504/34 of the Indian Penal Code. In the said
complaint case, cognizance has been taken for the offence under
Sections 498A and 494 of the Indian Penal Code against said Sugrib
Paswan and summon has been issued to him.



In this connection by filing a supplementary affidavit, learned counsel for the petitioner has brought on record the order dated 06.08.2016 by which cognizance has been taken and summons have been issued to said Sugrib Paswan. The order-sheet of the complaint case shows that the complainant is not doing any pairvi in this case and she did not pursue the complaint case. The order-sheet shows that the complainant-petitioner had filed the requisite for issuance of notice but thereafter she has not taken any steps and the matter is still pending for appearance of the accused Sugrib Paswan.

Learned counsel for the petitioner submits that the petitioner is living at parent's house after filing of the complaint case and in course of investigation nothing has come against the petitioner.

On the other hand, learned APP for the State has submitted that in course of investigation the co-villagers have been examined and they have stated that they heard about the involvement of said Sugrib Paswan and this petitioner, who is Sautan of the deceased, in killing of the deceased wife of said Sugrib Paswan. The postmortem report which is also available in the case diary shows the injuries such as abrasion on the left side of the neck and right side of the neck and bruises as also abrasion over middle of both eyebrow and doctors have opined that the cause of death is due to these injuries and it has been caused by asphyxia caused by hanging.

Having regard to the facts and circumstances of the case,



the fact that no witness has come forward in course of investigation as it appears from the case diary to support the case of the petitioner that she is living with her parents separately and the postmortem report shows injuries on the body of the deceased, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. This application is, thus, dismissed.

In case the petitioner surrenders and prays for regular bail in the court below within a period of eight weeks from today, her prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

The observation of this Court to surrender in the court below shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

