

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16686 of 2020

Arising Out of PS. Case No.-292 Year-2019 Thana- SINGHESHWAR District- Madhepura

BEBY KUMARI W/o Raju Chaudhary Resident of Village - Singheshwar,
shantivan Gali, P.S.- Singheshwar, Dist.- Madhepura.

... .. Petitioner.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nirbhay Kumar Singh
For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-09-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends her arrest in
Singheshwar P.S. Case No. 292 of 2019 registered for the
offences punishable under Sections 302 & 120 B of the Indian
Penal Code pending in the Court of learned C.J.M., Banka.

The prosecution case, in brief, is that on
26.12.2019 at about 8:30 PM he was informed that his niece
Sushila Devi had died and her husband along with Binod
Chaudhary brought the deceased at Singheshwar Hospital and
left her dead body and fled away. He raised suspicion that her
niece has been killed by petitioner in association of other co-
accused by assaulting and hanging her with rope because the



petitioner and other co-accused used to quarrel with her and threatened to kill her.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. She has been falsely implicated in this case merely because she happens to be Jethani of the deceased. No overt act has been attributed against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the petitioner is an Anganvadi Sevika and it is an improbable story that a lady would kill her Devrani by strangulating her. There is no eye witness of the occurrence and merely on suspicion the petitioner has roped in this case. In the postmortem report, no external injuries have been found on the body of the deceased. It is also submitted that the husband of the petitioner has four brothers and all are living separately since 10 years. Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that from perusal of paragraph-55 of the case dairy, it appears that the doctor, who has conducted the autopsy of the dead body of the deceased, has opined the cause of death as Asphyxia due to strangulation. The witnesses have



also supported the prosecution case. Hence, the petitioner does not deserve bail.

Considering the facts and circumstances of case and particularly considering the criminal antecedents, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the same very day.

(Anjani Kumar Sharan, J.)

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