

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25328 of 2020**

Arising Out of PS. Case No.-136 Year-2019 Thana- NARPATGANJ District- Araria

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Dukhni Devi, aged about 46 years (F), wife of late Lal Bahadur Singh @ Naveen Kumar Singh, resident of Village- Bardaha, Ward No. 04, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the State : Mr. Jharkhandi Upadhyaya, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date: 24-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Mukesh Kumar Rana, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (APP) for the State.

3. The petitioner apprehends arrest in connection with Narpatganj PS Case No.136 of 2019 dated 06.03.2019 instituted under Sections 365/34, 302, 201, 120-B of the Indian Penal Code.

4. The petitioner is named in the FIR along with ten



others and initially was accused of having kidnapped the granddaughter of the informant and it was apprehended that some untoward incident might occur with her. Later on, the body having been recovered on the next day, section 302 of the Indian Penal Code has also been added.

5. Learned counsel for the petitioner submitted that she is the wife of the deceased brother of the maternal grandfather of the victim girl and is totally separate in fooding and lodging and has no connection with any kidnapping or subsequent killing of the victim. Learned counsel submitted that even otherwise, there is absolutely no reason or motive for her to be involved in such a heinous crime. Learned counsel submitted that during investigation, co-accused Jamuna Prasad Singh @ Jamun Singh, who is brother of the maternal grandfather of the victim has confessed and disclosed the entire sequence of events, which revealed that the victim girl had love affairs with a village boy and had become pregnant and there was a *Panchayati* to be organized, but the son of Jamuna Prasad Singh had suggested that there should not be any *Panchayati* and that the girl should be killed as she had dishonoured the family. It was submitted that the said Jamuna Prasad Singh has stated the name of all persons, including ladies, who were



present in the meeting and it has further been stated that Jamuna Prasad Singh had persuaded them from taking such step and he had gone out and when he came back, he was informed that the body of the victim was found hanging from a tree and thereafter details have been given as to how the dead body was hurriedly attempted to be burnt and finally, had been buried. It was submitted that nowhere does the name of the petitioner appear in the confessional statement, which is complete in itself inasmuch as, right from the inception of the idea till the execution has been executed by the group, which had assembled in the house of the Jamuna Prasad Singh, in which the petitioner was not present. It was submitted that even the police have submitted the charge-sheet against many persons but not the petitioner as no incriminating material has come before them, but they have also taken the plea that further investigation was going on. It was submitted that when the investigation has been completed as the entire sequence and persons involved has now come before the police in investigation and, accordingly, charge-sheet submitted, the petitioner is being unnecessarily harassed. It was submitted that besides being a lady and a widow, the petitioner has no criminal antecedent.

6. Learned APP, from the case diary, submitted that



the petitioner has been named in the FIR. However, he did controvert that co-accused, Jamuna Prasad Singh, has given a detailed sequence of events in which the petitioner has not been named and further that, on the basis of such confessional statement, the place was disclosed where the body was buried and in front of witnesses the body has been recovered from that spot. However, he submitted that the police were still continuing with the investigation against the petitioner and others. On a specific query of the Court as to whether any other material has come during investigation to indicate the involvement of the petitioner in the incident, learned APP fairly submitted that there is no material in the case diary indicating her involvement.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, in Narpatganj PS Case No.136 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and that one of the bailors shall be a close relative of the petitioner.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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