

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54634 of 2019

Arising Out of PS. Case No.-254 Year-2019 Thana- SUPAUL District- Supaul

ANITA DEVI W/O Late Umesh Pandit Resident of Village- Parsauni, P.S.-
and District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary, Adv. Mr. Vijay Kumar, Adv.
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 17-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 12.04.2019 in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case as per the written report of Ganesh Pandit submitted before the S.H.O., Sadar Police Station, Supaul is to the effect that on 10.04.2019, the younger brother of the informant namely, Umesh Pandit was in his house, in the meantime, his brother-in-law, Shobha Kant Pandit came to his village and thereafter, on the same day, i.e. on 10.04.2019 at about 5.00 P.M., the brother of the informant along with his brother-in-law, co-accused, Shobha Kant Pandit



and a co-villager, Jitan Mahto went to Purit Sambhali Tola and consumed liquor. Thereafter, they all returned at 11.00 P.M. and co-accused, Jitan Mahto went to his house and thereafter, the informant's brother and his brother-in-law slept in inebriated condition. On 11.04.2019 at about 5.00 A.M., the brother of the informant was found dead. It is alleged by the informant that the brother-in-law of the informant, Shobha Kant Pandit had illicit relationship with the petitioner who is the wife of the younger brother of the informant, as a result, the informant's brother has been throttled to death by co-accused, Shobha Kant Pandit with the help of the petitioner.

It is submitted by learned counsel for the petitioner that the specific case of the prosecution is that the victim went in the company of co-accused, Shobha Kant Pandit and Jitan Mahto at a particular place and they all consumed liquor, but only on the basis of suspicion, the petitioner has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State after going through the case diary submits that co-accused, Shobha Kant Pandit had illicit relationship with the petitioner, as a result, the petitioner



connived in eliminating her husband. The FSL report of the viscera of victim reflects presence of ethyl alcohol along with aluminium phosphide, which is commonly known as ‘Celphos’ insecticide commonly used to preserve the grains, which suggest that the victim was killed.

Considering the suspicious nature of accusation, particularly, in view the fact that the FIR suggests specific accusation against co-accused, Shobha Kant Pandit and Jitan Maho with whom the victim went and consumed liquor and the petitioner has been made accused only on the basis of suspicion coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Supaul, in connection with Supaul P.S. Case No.254 of 2019, G. R. No. 709 of 2019.

(Dinesh Kumar Singh, J)

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