

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63326 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- BHAGWANPUR District- Begusarai

SULEKHA DEVI Wife of Late Arjun Sahni Resident of Village - Sherpur,
P.S.- Bhagwanpur, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 07-07-2020 The present case was heard at length on
6.7.2020 and it has been listed today for orders.

This is an application for grant of anticipatory bail in connection with Bhagwanpur P.S.Case No. 222 of 2018 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that the husband of the petitioner-informant, used to work in Punjz light company as a JCB vehicle driver and used to drive JCB in between Simariya and Khagaria where the work of construction of national highway was going on. It is alleged that on



the alleged date and time of occurrence, unknown accused persons had killed the husband of the petitioner by shooting him, whereupon she came to know from the villagers, about the murder of her husband, on 21.10.2018 at about 6:30 PM. in the evening. It has been stated by the petitioner that thereafter, she and others had gone to the place of occurrence and found the dead body of the husband of the petitioner lying there. It appears that during the course of investigation, it has come to light that the petitioner was having illicit relationship with another person and with the help of one Raj Kumar Sahni, she is stated to have conspired and has been instrumental in killing of her husband. It is also alleged that it has transpired during the course of the investigation that the petitioner and the said Raj Kumar Sahni were in regular contact on their mobile phones during the relevant period.

The learned counsel for petitioner has submitted that the petitioner is the wife of the deceased and it is not probable that she would



have conspired to kill her own husband. It is also submitted that the petitioner is innocent, she has been falsely implicated in the present case, she is having a clean antecedent and she is ready to abide by such terms and conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, have gone through the materials on record and also perused the case diary. A bare perusal of the case diary shows that prima facie, there is minuscule evidence as against the petitioner herein, which has come to light during the course of investigation by the police, hence, benefit of doubt can be given to the petitioner herein for the purposes of grant of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/



production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No. 222 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark her attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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