

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25919 of 2021

Arising out of PS. Case No.-533 Year-2020 Thana- BARHARA District- Bhojpur

Gunjan Devi (aged about 37 years, Gender- Female) Wife of Ashok Kumar
Singh R/o Village- Farhada, P.S.- Barhara (SINHA O.P.), Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Senior Advocate with Mr. Praveen Prakash, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 10-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 28.07.2021, which was allowed.

3. Heard Mr. Surendra Kumar Singh, learned senior counsel along with Mr. Praveen Prakash, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Barhara (Sinha O.P.) PS Case No. 533 of 2020 dated 08.12.2020, instituted under Sections 306/34 of the Indian Penal Code.

5. The allegation against the petitioner is that she being the step-mother of the deceased, along with father of the deceased,



used to torture and assault the informant and his deceased brother, which led to the deceased committing suicide.

6. Learned senior counsel for the petitioner submitted that she is a young lady and was married eighteen years ago to the widower father of the informant and has no role in the suicide of the deceased. It was submitted that the informant, deceased and another brother had not accepted the petitioner. Learned senior counsel submitted that in fact it was the deceased and his two brothers, including the informant, who used to torture her for which she has filed Informatory Petition No. 3832 of 2016 on 25.11.2016 against the informant expressing that he may kill her. He submitted that the petitioner besides being a lady, has two minor children and has no role in the deceased committing suicide. It was submitted that there is no allegation of any abetment of suicide against petitioner.

7. Learned APP submitted that it is obvious that there was huge age difference between the father of the deceased and the petitioner which indicates that the father of the informant/deceased had married due to self-choice despite such a huge gap and further that it is obvious that the step-mother, specially after the birth of her own children does not treat the children from the first wife with the same care and love and, thus, the allegation is very natural and believable. It was further submitted that in the informatory petition itself it has been stated that the husband of the petitioner



used to work outside and it was the petitioner who was responsible for maintaining the house. It was submitted that this further makes it clear that she was in-charge of the house and, obviously, because of maltreatment, the deceased had taken the extreme step. It was submitted that there is no reason for the deceased to take his life if the petitioner was treating them well, especially in view of the father not living in the house and working outside.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the allegations made cannot be said to be false, unfounded or unbelievable. Rather, in the present scenario and the facts and circumstances which have been placed before the Court, the allegations appear to be natural and cannot be brushed aside, especially at this stage.

9. For reasons aforesaid, the Court is not inclined to grant pre-arrest bail to the petitioner.

10. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J)

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