

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37605 of 2020

Arising Out of PS Case No.-139 Year-2019 Thana- KUTUMBA District- Aurangabad

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Anita Devi, age about 21 years, Female, Wife of Late Anil Rajwar, Resident of Village - Badepur, Sahiyara, PS- Husainabad, District- Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-03-2021

Heard Ms. Mukul Kumari, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Kutumba PS Case No. 139 of 2019 dated 22.09.2019, instituted under Sections 302/34 of the Indian Penal Code.

3. The allegation against the petitioner, who is the wife of the deceased, is of strangulating him to death along with co-accused, who is husband of the sister of the petitioner.



4. Learned counsel for the petitioner submitted that only on suspicion, she has been named and she is totally innocent. It was submitted that the deceased died due to natural causes and moreover, the FIR has been lodged by the husband of the sister of the deceased and not by any close family members. It was submitted that the petitioner being a lady is in custody since 23.09.2019 and further that the co-accused has been granted bail by a co-ordinate Bench.

5. Learned APP, from the case diary, submitted that the petitioner gave different versions to the informant and to the mother inasmuch as, she had informed the informant that the deceased was already dead whereas to her mother-in-law, she has stated that the deceased had not come to her place. It was further submitted that the inquest report clearly states that there was sign of strangulation on the neck which has not been explained by the petitioner as she was the wife and the deceased was living with her and also died there. It was submitted that the strong suspicion of there being illicit relationship of the petitioner with co-accused stands corroborated by the circumstances.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.



7. Accordingly, the application stands dismissed.
8. However, the Court below shall expedite the trial.

(Ahsanuddin Amanullah, J.)

P. Kumar

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