

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14171 of 2021**

Arising Out of PS. Case No.-235 Year-2020 Thana- NAVINAGAR District- Aurangabad

RANI DEVI W/o Birbal Paswan, R/o village- Budhibandh, P.S.- Nabinagar,
District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Leelawati Kumari Mr Aman Vishal
For the Opposite Party/s :		Mr. Nand

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 12-01-2022 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State through video
conferencing.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

The petitioner apprehends her arrest in connection
with Nabinagar P.S. Case No. 235 of 2020 registered for offence
punishable under sections 328, 302, 34 of the Indian Penal
Code.

The informant Krishna Paswan, who is brother of
deceased Prabha Devi, lodged FIR stating therein that the
marriage of his sister was solemnized with accused Birbal



Paswan. Birbal Paswan used to torture her (deceased) and always asked her that she was not able to be kept in his house. He has further alleged that on 22.10.2020, Birbal Paswan and the present petitioner, who is second wife of Birbal Paswan, committed murder of deceased Prabha Devi by administering her poison.

The learned counsel for the petitioner has submitted that the present case has been lodged merely on the basis of suspicion. It is admitted fact that the petitioner, Rani Devi is second wife of Birbal Paswan and it has also been submitted that the second marriage of Birbal Paswan with the petitioner was solemnized in the year 2015, as Birbal Paswan had no issue from first wife. The learned counsel has also submitted that in this six years, there is no allegation of torture to deceased by the hands of the petitioner or her husband. He has also submitted that co-accused Birbal Paswan has transmitted information of death of the deceased to her native members.

FIR shows that the informant has levelled allegation against Birbal Paswan that he always used to torture the deceased and he has solemnized his second marriage with the present petitioner. There is specific allegation in the FIR itself shows that the present petitioner along with her husband Birbal



Paswan administered poisonous substance to the deceased
Prabha Devi.

In these circumstances, in my view, it is not a fit case
for anticipatory bail and accordingly the prayer for anticipatory
bail is hereby rejected.

Office shall ensure that all defects are removed by the
petitioners within the stipulated time mentioned hereinabove,
failing which, the matter shall be brought to the notice of this
Court.

(Nawneet Kumar Pandey , J)

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