

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15802 of 2022

Arising Out of PS. Case No.-863 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Sangita Agrawal @ Shabnam W/O Sri Sunil Kumar Agarwal Resident Of
Village - Jawahar Chowk, Bihariganj, P.s.-Bihariganj, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-09-2022 Heard learned counsel for the petitioner, the State and the informant.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 302/34 and other ancillary sections of the Indian Penal Code.

Prosecution case is that while the informant and his wife were at their house, two unknown persons came there. Thereafter, one of them fired caused injury below the chest of the informant. Accused persons told that work of Sunil Kumar Agrawal has been done. Petitioner is wife of said co-accused Sunil Kumar Agrawal, whereas he happens to be brother of the informant. On earlier occasion, they had attempted to kill the informant for which Saharsa Sadar Police Station Case Nos. 30/2019 and 125/2019 had been lodged against Sunil Kumar Agrawal in which he is in custody. Informant has alleged that the petitioner, her husband Sunil Kumar Agrwal who is in jail and other jail inmates conspired and facilitated the instant firing causing injury to the informant, who died during treatment.

Learned counsel for the petitioner submits that the parties are agnates and admittedly there is land dispute between them for which Partition Suit No. 68/2017 (Annexure 2) is pending before the Civil Court, Madhepura. Besides this, husband of the petitioner has also filed Complaint Case No.



228/2017 (Annexure 3) in which informant/deceased was also one of the accused. Petitioner's name has figured during course of investigation in confessional statement of co-accused Amit Anand to the effect that the petitioner gave money to other accused persons to commit the offence. It is also the case of the petitioner that she is a lady, there is no allegation of committing overt act against her and at best she can be said to be a conspirator. Petitioner has got no criminal antecedent.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that the petitioner with aid of other accused persons committed murder.

Considering the aforesaid facts of the case and the fact that petitioner is a lady and there is no allegation of committing overt act against her, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Saharsa (Sadar) Police Station Case No. 863 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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