

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43299 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- HARSIDHI District- East Champaran

AMRITA DEVI S/o Shambhu Dubey, Resident of Village- Mehta Tola, Olha,
P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

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

ORAL ORDER

2 18-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the learned counsel for the informant, Nibha Kuwar.

The petitioner apprehends her arrest in connection with Harsidhi P.S. Case No. 84/2021 registered for offence punishable under sections 328 and 302 of the Indian Penal Code.

The complainant made allegation in her complaint petition that her son Abhishek Dubey (deceased) was a truck driver. The petitioner developed love affairs with the son of the informant and her son usually came to the house of the



petitioner and the persons of vicinity used to oppose the illicit relation between the petitioner and the deceased. As per allegation, the petitioner administered poisonous substance to the deceased, consumed thereof he died.

The learned counsel for the petitioner has submitted that the petitioner is *Gotani* of the complainant. The allegation is false and the FIR was lodged after 36 days of the occurrence.

On the other hand, the learned counsel for the informant has opposed the prayer for bail.

The deceased Abhishek Dubey, who was son of the informant, died after consuming poisonous substance. The allegation against the petitioner is that she had illicit relation with the deceased and it was she who administered poisonous substance to the deceased. So far as delay in lodging of the FIR is concerned, it was explained in the complaint petition itself. The complainant has mentioned that she went to Hersidhi Police Station to lodge the FIR, but the S.H.O. of Hersidhi Police Station made evasion in lodging of the FIR and it was the reason that she filed complaint petition, which was sent to the police station under Section 156 (3) of the Code of Criminal Procedure and on the basis thereof, the FIR was registered.

Considering the above-mentioned facts and



circumstances, I do not think it to be a fit case for anticipatory bail and accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner 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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