

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39145 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

SIYA DEVI Wife of Kailash Das Resident of village- Masumganj, P.S.-
Asarganj, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and the informant alleges that petitioner used to come to her brother's house regularly, further on 11.01.2021, the petitioner again came to her brother's place where informant was also present, it is next alleged that they ate and went to sleep, in the morning she found her brother dead and petitioner missing from the house, thus alleges that petitioner might have poisoned her brother, it is also alleged that there was delay in instituting the



FIR as informant along with her husband came from outside late.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner and deceased were known and it appears that on 11.10.2021 petitioner had come to the house of the deceased where informant was also present. The learned counsel for the petitioner submits that though it is alleged that informant was also present at the house of the deceased but then her presence appears to be doubtful for the reason that in the FIR itself it is recorded that there was delay in instituting the FIR as informant and her husband came from outside but from where that is not disclosed, it is next submitted that it absolutely does not stand to reason that as to why the petitioner would poisoned the deceased and that too when informant was present in the house of the deceased and thus would have created evidence against herself, it is next submitted that further by the death of the deceased no benefit would accrue to the petitioner rather the beneficiary of the death would have been the informant, it is next submitted that it absolutely defies all logic wisdom and reasonable human behaviour that when the informant alleges that she came to know about the death of the



deceased on 12.10.2021 then why the FIR was instituted on 18.10.2021 that in itself demonstrates that informant was not present at the place of occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Piri Bazar P.S. Case No. 160 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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