

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70313 of 2022

Arising Out of PS. Case No.-201 Year-2020 Thana- BAUNSI District- Banka

SONI DEVI W/o Ranjit Mandal R/o Village- Bhikha, P.S.- Bounsi, Distt-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman.

The informant alleges that his sister was married to
Raj Kumar Mandal in the year 2010 and after marriage, she was
tortured by her in-laws for dowry and the informant paid
Rs.2,10,000/- in two installments. It is further alleged that her
husband had illicit relationship with wife of Ranjan Mandal
(petitioner) and whenever the sister of the informant protested



she was assaulted and tortured. It is further alleged that on 10.08.2022 his sister saw her husband in an objectionable condition with the petitioner and disclosed the said fact to her mother-in-law, Bhainsur and Gotani on which they assaulted her disbelieving her story. It is further alleged that her husband and petitioner thereafter came and assaulted the sister of the informant and killed her. It is further alleged that on 11.08.20220 the husband of the deceased informed the informant that deceased committed suicide, accordingly, he reached the place of occurrence and saw the dead body of his sister and accused persons had fled away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that a vivid description of the occurrence has been given wherein it is alleged that the deceased had seen her husband and the petitioner in a compromising position on account of which she was assaulted and thereafter killed but then the FIR does not even remotely suggest that the deceased had disclosed this fact to the informant that she had seen her husband along with the petitioner in an objectionable condition. It is next submitted that the informant



is not an eyewitness to the occurrence and the husband of the deceased informed the informant in pursuance whereof he came to the place of occurrence where he found the dead body of his sister. This amply demonstrates that no effort was made by the accused persons to dispose of the body. It is also submitted that had they really killed the deceased then efforts would have been made to dispose of the body and not to call the informant and thus create evidence against themselves. It is further submitted that the marriage was more than ten years old and in between these ten years no FIR came to be instituted either by the deceased or the informant. It is next submitted that it may be a possibility that the married life of his sister with her husband was not happy, peaceful and on account of which the deceased might have committed suicide. It is also submitted that the allegation that the husband of the deceased had illicit relation with the petitioner is in realm of an allegation. It is further submitted that the petitioner will cooperate in the investigation and will not evade the law.

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 her arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Bounsi P.S. Case No. 201 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

