

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13938 of 2023

Arising Out of PS. Case No.-511 Year-2021 Thana- JOGAPATTI District- West Champaran

MAYA DEVI W/O BIRENDRA PASWAN @ SONELAL PASWAN R/v-
Bahurwa, P.S.- Yogipatti (Sanichari O.P.), District- West Champaran
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.-III, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 302 and
201/34 of the Indian Penal Code.

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

4. The informant alleges that she came to know from
the villagers that daughter of Birendra Paswan, namely,
Khushboo Kumari is not at home. She further alleges that she
also came to know that petitioner i.e. mother of Khushboo
Kumari and father of Khushboo Kumari are also not at home.
She next alleges that villagers also disclosed to her that
matrimonial home (Sasural) of Paras Paswan is at village
Bhasuari. She also alleges that she also came to know that



brother-in-law (Sala) of Paras Paswan, namely, Pundev Paswan, Phuldev Paswan along with 3-4 persons had come to village Bahuarwa on Bolero and accused persons, namely, Birendra Paswan, Maya Devi (petitioner), Surendra Paswan and Anil Paswan under a conspiracy killed Khushboo Kumari and took her dead body in the Bolero and got the same cremated at Bhasuari.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that petitioner is mother of the deceased and it does not appear probable that mother would have been involved in the occurrence of killing of her own daughter. It is next submitted that it appears to be a case of honour killing but then whether the mother was also involved in the occurrence is an issue. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence rather the FIR came to be instituted based on information received by the informant but then the source of information is not disclosed. It is further submitted that the precision with which the allegations have been alleged also creates an aspersion on the case of the prosecution with regard to the involvement of the petitioner



when informant is not an eyewitness to the occurrence. It is next submitted that petitioner will not abscond rather will cooperate in the investigation and will present herself as and when required by the investigating office of the case for eliciting the truth.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but is not in a position to rebut the submission of the learned counsel for the petitioner that informant is not an eyewitness nor the source of information is disclosed in the FIR and the entire allegation hinges around suspicion.

7. 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 Yogapatti (Sanichari O.P.) P.S. Case No. 511 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that if the investigating



officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting herself when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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