

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31532 of 2022

Arising Out of PS. Case No.-167 Year-2020 Thana- BACHHWARA District- Begusarai

NITU DEVI @ NITU KUMARI Daughter of Ram Pravesh Yadav Resident of
Village-Shivutol, Police Station-Bachhwara, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 02-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 302, 201 and 120B
read with 34 of the Indian Penal Code.

As per the prosecution case, The informant's brother's
wife had illicit relationship with someone which was being
objected by the deceased. It is alleged that the informant's
brother was killed by his wife and his in-laws and the dead body
of the informant's brother was hanged with a *gamchha* on a tree



in order to conceal the evidence.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. The other co-accused person Geeta Devi has already been granted bail by the Co-ordinate Bench vide order dated 11.04.2022 passed in Cr. Misc No. 24152 of 2021 and the case of the petitioner is on similar footing. Learned counsel further submitted that the dead body of the deceased was found hanging from a tree which is 6-7 kilometers away from the village of the petitioner. There is no eye witness of the case.

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner by submitting that there was no good relationship between the deceased and the petitioner and further submitted that on call from his sasural, the deceased went there and on the next day his dead body was found hanging on a tree. Learned counsel further submitted that as per the post-mortem report the cause of death is due to asphyxia as a result of strangulation. Learned A.P.P. for the State has further submitted that the case of the petitioner is not on a similar footing to that of the co-accused Geeta Devi who is the



mother of the petitioner.

Considering the aforesaid facts and circumstances as well as the material available on record against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. Accordingly, the application is rejected and the petitioner is directed to surrender before the concerned Court below within six weeks from the date of this order.

(Chandra Prakash Singh, J)

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