

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33007 of 2023

Arising Out of PS. Case No.-377 Year-2021 Thana- BHELDI District- Saran

BABITA DEVI wife of Sunil Rai Village- Bariyarpur Ps- Bheldi Dist- Saran
Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in connection
with Bheldi P.S. Case No. 377 of 2021 registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a woman having clean antecedent and the informant
alleges that he works as a driver in Kolkata, further on
29.11.2021, he received call from his wife who informed that
his elder brother and his wife (petitioner) assaulted her and
threatened to leave the house or he along with the child would
be killed, accordingly he asked her to make him talk with his
brother and when his wife went to give him the mobile to his



brother, they again started assaulting and abusing her which the informant heard. It is next alleged that after sometimes again a call came from his wife's mobile and one Usha informed that his wife died thus the informant alleges that his brother along with petitioner poisoned her to death.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that there is an admitted land dispute between the petitioner and the informant, who are own brothers, and it absolutely does not stand to reason that the petitioner would have poisoned the deceased when it is alleged that sometimes back only she talked with her husband informing that petitioner along with her husband were assaulting and threatening them. Learned counsel further submits that the husband of the petitioner has been granted regular bail *vide* order dated 16.11.2022 in Cr. Misc. No. 41803 of 2022, it is next submitted that informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion nor it is the case of the prosecution that Usha disclosed that informant's wife was killed by the accused persons, including the petitioner.

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



6. 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 Bheldi P.S. Case No. 377 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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