

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39994 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- WARISNAGAR District- Samastipur

AKANSHA KUMARI @ RANI DEVI Wife of Sri Anand Kumar @ Kunal
Resident of village- Rahua, P.s.- Warisnagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Ms. Vaishnavi Singh
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 10-01-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

the learned counsel for the State.

The petitioner apprehends her arrest for the

offences alleged under Sections 120-B, 302 and 34 of the Indian

Penal Code and Section 27 of the Arms Act, registered in

connection with Warisnagar P.S. Case No. 300 of 2021.

The informant, Sadhna Devi is the wife of the

deceased Sarvesh Thakur. As per allegation, on 08.11.2021 at

about 7.00 a.m. when the deceased was sitting at his milk

centre, co-accused Aman Kumar, Akansha Kumari @ Rani Devi



and Sima Devi, along with 4-5 unknown persons came there. The deceased Servesh Thakur had lodged Warisnagar P.S. Case No. 209 of 2020 against the husband and son of co-accused Sima Devi. Sima Devi asked the deceased whether he wanted to proceed with that case or he is unwilling to withdraw it. Thereafter, Sima Devi ordered her son to eliminate Sarvesh Thakur, whereupon 4-5 unknown, including the petitioner, caught hold of Servesh Thakur and Aman Kumar opened indiscriminate firing, resulting in instantaneous death of the deceased.

The learned counsel for the petitioner has submitted that the occurrence is alleged to have taken place on 08.11.2021 at about 7.00 a.m., whereas the FIR was registered the next day, i.e., on 09.11.2022. She has submitted further that it is unbelievable that other accused persons might have caught hold of the deceased when there was indiscriminate firing.

On the other hand, learned APP for the State has submitted that it has specifically been mentioned by the informant, who is eye-witness that the petitioner was amongst the persons, who caught hold of the deceased. Paragraph no.7 of the case diary contains the statement Swati Kumari, the daughter of the deceased. She has also corroborated the



fardbayan and has stated that the petitioner was amongst the persons, who had caught hold of her father. Similar is the statement of the witness in paragraph no.8 of the case diary. In paragraph no.31 of the case diary, the case was found true also against the present petitioner.

The investigation is going on. In my view, the petitioner does not deserve the privilege of anticipatory bail, which is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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