

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51098 of 2022

Arising Out of PS. Case No.-489 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Anjali Mishra D/o Bhawesh Chandra Mishra, W/o Late Md. Aftab Alam
Resident of Village- Bari Eghu, P.S.- Town, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma Mr.Lakshmi Kant Sharma Mr.Rabindra Kumar
For the OP	:	Mr.Ansul Mr.Majid Mahbood Khan
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-03-2023 Heard counsel for the parties.

The petitioner apprehends her arrest in a case, registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

As per the prosecution case, informant suspects that this petitioner along with co-accused persons committed murder of the son of informant.

It is submitted that petitioner has been falsely implicated in this case. Informant is not eye-witness of the occurrence and only on suspicion petitioner and others have been made accused in this case. Petitioner is none else than wife of the deceased. It is further submitted that this false case has been lodged just to deprive the petitioner and her two daughters of the property earned by the deceased. It is next submitted that



petitioner earlier lodged a case bearing Begusarai Mahila PS Case No. 22 of 2020 for the offence under Sections 323, 341, 504, 506, 498A/34 of the Indian Penal Code against the husband (deceased), informant of the present case and others. Petitioner has also lodged a case bearing Begusarai Town PS Case No. 514 of 2020 for the offences under Sections 448, 341, 323, 307, 379/34 of the Indian Penal Code against husband and others. Thereafter, petitioner has filed a Divorce Case No. 65 of 2020 against her husband. The petitioner has also filed a complaint case before the learned Chief Judicial Magistrate, Begusarai being Complaint Case No. 586(C) of 2022 for the present occurrence and after enquiry the learned court took cognizance under Section 498A, 295A, 323, 504/34 of the Indian Penal Code against the informant and others. Dr. Nilkamal was examined as PW-1 under Section 202 of the Cr.P.C who categorically stated that no external injuries were found on the person of the deceased and from the injury it is not evident that the deceased was killed by pressing his neck, viscera was also preserved and was sent to FSL, Bhagalpur. Till date chargesheet has not been submitted. There is no material which show complicity of this petitioner and others in the alleged occurrence. Petitioner claims clean antecedent.

However, counsel for informant vehemently opposed



the prayer for bail and submitted that during course of investigation it has come that this petitioner was in active contact with hire killer on mobile phone and there are ample material against this petitioner.

It appears that informant is not eye-witness of the occurrence and simply on the fact that petitioner was in talking term with some so-called hire killer cannot be a ground for rejection of bail. There is no cogent material against this petitioner.

Considering the facts aforesaid, the petitioner above-named, in the event of her arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 489 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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