

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66004 of 2023

Arising Out of PS. Case No.-619 Year-2023 Thana- ARARIA District- Araria

NIDHI KUMARI D/O GAYA PRASAD BHAGAT RESIDENT OF WARD
NO. 26, HOSPITAL ROAD, ISLAM NAGAR, PS ARARIA, DIST. ARARIA
854311

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravish

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2023

1. Heard the parties.

2. The petitioner apprehends her arrest in connection
with Araria PS Case No. 619 of 2023 dated 19.06.2023
registered under Sections 328 / 302 of the I.P.C.

3. As per the first information report lodged by one
Annu Choudhary @ Annu Kumari that on 19.06.2023 at about
10:00 A.M. her husband Shivshankar Choudhary went to D.M.
Office, Araria where he was posted as a Clerk and after marking
his attendance the informant's husband returned back to house
at 11:00 A.M. He again left the house for purchasing some
mango and at about 1:45 P.M. when the informant called her
husband his mobile was found switched off and one Ajay
informed the informant that her husband has consumed poison



and has been admitted to Sadar Hospital, Araria. During course of treatment the husband of the informant died. It has further been alleged that Ajay also disclosed that Nidhi Kumari called him to Government Hospital, Forbesganj and when he reached there Ajay came to know that Shivshankar Choudhary i.e. informant's husband has consumed poison. Informant has further alleged that Nidhi Kumari was having illicit relationship with the informant's husband and has raised suspicion upon her that she might have administered poison to her husband.

4. Learned counsel for the petitioner submits that petitioner has been made accused on the basis of suspicion. No cogent material is there to connect the petitioner with the present offence. Only allegation made by the informant is that petitioner was having illicit relationship with informant's husband. Learned counsel further submits that petitioner is working as a Data Entry Operator in Block Pension Wing, Forbesganj, District- Araria and the deceased was posted at D.M. Office. The deceased was aged about 33 years old and had insisted the petitioner to marry him, which was refused by the petitioner, due to which on the date of occurrence he arrived at the Office of petitioner after consuming salphos tablets. The Police investigated the matter and after investigation has found



that case under Section 306 I.P.C. is made out.

5. Regard being had to the submissions made by the parties, taking into consideration the fact that Police after investigation has found the case true under Section 306 I.P.C. and the petitioner has merely refused to marry the husband of the informant (i.e. deceased), as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria PS Case No. 619 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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