

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18538 of 2024

Arising Out of PS. Case No.-58 Year-2023 Thana- SARSI District- Purnia

Kanchan Devi @ Nisha Khatoon @ Nisa Khatoon Wife Of Md. Injar @ Md. Ijhar R/O-Masuriya Ward No. 13, P.S.-Savsi, Distt.-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Sarsi P.S. Case No. 58 of 2023 dated 16.03.2023 instituted for the offence punishable under Sections 302/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the husband of the informant's daughter (deceased) had illicit relation with the petitioner. The deceased was opposing the illicit relationship, due to which the petitioner along with other accused persons concertedly killed her by pressing her neck. The dead body of the deceased was found in Sadar hospital.

4. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in this



case. It is further submitted that the informant himself has made contradictory statement when once he stated that his daughter was taken to hospital where she was found dead and in another statement he stated that the petitioner and others are said to have committed the murder of her daughter by pressing her neck. It is submitted that there is no eye-witness of the alleged occurrence and the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits that the petitioner is the second wife of the husband of the deceased. The deceased was short-tempered lady and she has committed suicide in a room. The post-mortem report indicates that opinion regarding cause of death was reserved and viscera was sent for chemical examination report. The viscera report indicates that no poisonous substance was found. Learned counsel for the petitioner further submits that husband of the deceased, namely, Md Inzar @ Md Izhar has been granted bail vide order dated 30.01.2024 passed by co-ordinate Bench of this Court in Criminal Miscellaneous No. 53404 of 2023. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sarsi P.S. Case No. 58 of 2023, she will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate,1st class, Purnea subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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