

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39753 of 2016

Arising Out of PS. Case No.-245 Year-2011 Thana- CHAKIA District- East Champaran

Pushpa Devi @ Pushpa Singh wife of Late Krishna Kumar Singh, Resident of Village- Chakiya Tola Ahiravalia, Police Station- Chakiya, District- East Champaran at Motihari, At present Mohalla- Belwanwa, P.S.- Town Motihari, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh, Adv

For the Opposite Party/s : Mr. Sri Satyavarat Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

9 09-12-2024 Heard Mr. Sushil Kumar Singh, learned counsel for the Petitioner and Mr. Sri Satyavarat Verma, learned APP for the State.

2. The instant petition has been filed under Section 482 of the Code of Criminal Procedure (in short 'Cr.P.C.') against the order dated 16.05.2016 passed in Session Trial No. 161 of 2015 (arising out of Chakiya P.S. Case No. 245 of 2011) by the Court of learned Additional Sessions Judge IVth, Motihari whereby and whereunder the learned Additional Sessions Judge rejected the petitioner's prayer made U/s 227 of the Cr. P.C. to discharge her.

3. The main grounds taken by the learned counsel for the petitioner are that the petitioner is a very old lady and at the time of commission of the alleged occurrence she was about 55



years old and the allegation relating to the petitioner is completely based on suspicion raised by the informant in her F.I.R., and admittedly the petitioner was not present at the alleged place of occurrence and the offences alleged were committed by some unknown miscreants who might have some enmity with the victims and while lodging the F.I.R., the informant was not sure about the involvement of the petitioner in the alleged crime so she simply raised suspicion against her. During the investigation she changed her version and some material witnesses also revealed a different story involving some other persons in the alleged crime.

4. Heard both the sides and perused the F.I.R., and the order impugned. The instant matter relates to the murder of two persons committed by using fire arms and explosive materials and as per the allegation three miscreants came on a motorcycle at the house of the informant and on the pretext of drinking water they entered her house and thereafter, in the course of conversation, one of the miscreants asked the informant as to why she had been stopping the petitioner from selling the land and on that basis the petitioner was suspected to be involved in the alleged crime and according to the informant the said unknown miscreants were hired by this petitioner and others to



kill the victims.

5. The F.I.R., goes to show that there was not good relation in between the petitioner and prosecution party on account of an issue of sale of a particular land though in respect of petitioner's involvement in the alleged crime, the instant matter is based on suspicion but the F.I.R., shows that the informant had strong reasons to suspect the petitioner of being involved in the alleged crime and after investigation the petitioner has been charge sheeted and it is a settled principle of law that merely on account of some contradictions in between the statements of the witnesses during the investigation, one cannot be discharged particularly, when there are strong reasons to suspect him or her as being involved in the alleged crime.

6. Considering the above facts and circumstances of the case, this Court finds no merit in this petition and the impugned order rejecting the discharge prayer of the petitioner has been passed rightly and there is no reason to interfere in the same.

7. Accordingly, the present petition stands dismissed

(Shailendra Singh, J)

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