

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65046 of 2024

Arising Out of PS. Case No.-274 Year-2022 Thana- WARISNAGAR District- Samastipur

Priyanka Kumari D/o Raj Kumar Sah Resident of Village- Nagarbasti, ward no. 8, PS- Warisnagar, District- Samastipur, Presently Wife of Ranjeet Kumar, Resident of Mohalla- Bara Patthar, PS- Samastipur Town, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv

Mr. Rani Shashi Bharti, Adv

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 17-10-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 302, 328, 379 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman and is own sister of Gudiya Devi, as such, is own sister-in-law of the deceased, i.e., the husband of Gudiya Devi. The learned counsel next submits that the informant alleges that his brother Gautam was married to Gudiya Devi about 8 years back, but his relation with his in-laws family was not good, further on 23-8-2022,



Gautam had come to his in-law's place to celebrate *Chatti* of his newborn child, where Raj Kumar (father-in-law of Gautam), Babita Devi (mother-in-law of Gautam), Manish Kumar and Sujit Kumar (brothers-in-law of Gautam), Gudiya (wife of Gautam) Priyanka (sister-in-law of Gautam) were present. It is next alleged that on 25-8-2022, in the night, the accused persons tried to administer poison, but his brother objected, thereafter he was assaulted and was forcefully administered poison on account of which he died on 26-8-2022, thereafter on coming to know about the occurrence, he reached the place of occurrence when all the accused had fled and the informant with the help of the police took the dead body for post-mortem.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that informant is not an eyewitness to the occurrence. It is also submitted that the instant case is a case of death on account of drinking spurious liquor. It is submitted that Gautam had come to attend the *Chatti* of his child and as such, while merry-making, he consumed liquor which turned out to be spurious on account of which he died, as has been pleaded at para-13 of the anticipatory bail application. It is further submitted that the instant FIR came to be instituted



by the informant at the behest of the police in order to cover up the case. It is next submitted that it absolutely does not stand to reason that the entire family of Gudiya would have indulged in administering poison to Gautam, killing him and thus making Gudiya a widow and the child an orphan. It is further submitted that the entire allegation hinges around suspicions.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Warisnagar P.S. Case No. 274 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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