

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70251 of 2024

Arising Out of PS. Case No.-89 Year-2018 Thana- DESARI District- Vaishali

Gulabiya Devi @ Gulabia Devi Wife of Late Sarabjeet Singh @ Sarabjit
Singh village- Chakmahamad, Police Station -Desari, District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-10-2024

Heard the parties.

2. The petitioner apprehends her arrest in connection with Desari P.S. Case No. 89 of 2018 dated 09.05.2018 registered for the offence(s) punishable under Section(s) 364, 365, 304B, 201, 120B and 34 of the Indian Penal Code.

3. Mr. Sunil Prasad, learned Counsel for the petitioner submits that this is the second attempt of the petitioner to get the relief of anticipatory bail and earlier she preferred Cr. Misc. No. 68156 of 2019 for the said relief which was rejected vide order dated 04.02.2020 and the petitioner was directed to surrender before the Trial Court but on account of her old age, the petitioner could not have surrendered before the Trial Court as her age is 73 years.

4. Learned Counsel for the petitioner further submits



that the fresh ground taken by the petitioner is that the trial of the co-accused has started in which seven important witnesses out of thirteen charge-sheet witnesses have been examined and all the said witnesses have been declared hostile and their deposition's copy has been filed as Annexure-6 series and the evidence of informant who was examined as P.W.-4 is very relevant to falsify the allegations. Learned Counsel further submits that the deceased was never subjected to any kind of cruelty and on the alleged day of occurrence, she suffered with stomach pain and consequently, she died, thereafter, cremation of the deceased was held in which the deceased's father participated and in this regard, the evidence of P.W.-4 is very relevant. It is further submitted that the husband of the deceased is on bail who has been granted the said relief by a co-ordinate bench of this Court vide order dated 23.03.2022 passed in Cr. Misc. No. 44553 of 2021 and one co-accused, namely, Pavitra Kumari @ Pavitra Devi carrying similar allegation has earlier been granted anticipatory bail by another bench of this Court and in the present time, a good relation has restored between both the parties and in this regard, Annexure-3 is relevant.

5. Though, learned APP for the State has opposed the bail prayer of the petitioner but he submits that the petitioner is



an old lady and considering her old age, a lenient approach may be taken.

6. Considering the above submissions and mainly taking into account the petitioner’s old age as well as the evidence of the material witnesses of the prosecution given in the trial of co-accused, discussed above, which is against the prosecution’s allegation and coupled with the relief of bail having been granted to the above mentioned co-accused persons by the co-ordinate benches of this Court, this Court is now inclined to accept the prayer of the petitioner. Accordingly, let the petitioner named-above, in the event of her arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Desari P.S. Case No. 89 of 2018 on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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