

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11268 of 2025

Arising Out of PS. Case No.-530 Year-2023 Thana- NAUTAN District- West Champaran

Sushila Devi, aged about 38 years, Male, Wife of Jhunna Sah @ Buchan Sah @ Bachchan Sah, Resident of Village- Lauaariya, Murgahi Tola, P.S.-Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Nautan P.S. Case No. 530 of 2023 instituted for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case as traced out from the self statement of the informant Khalid Akhtar, S.H.O., Nautan P.S. that he got information that a dead body of a man is lying near the canal.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the



petitioner is not named in the FIR. He further submits that one Sabita Devi, upon seeing the photograph of the dead body in news paper and claimed that the dead body was of her husband namely Vijay Prasad. He next submits that the dead body was taken out after three days from the graveyard and it was handed over to Sabita Devi. He lastly submits that the statement of Sabita Devi, who stated that the deceased was having illicit relationship with the petitioner. There is no eye-witness of the alleged occurrence and there is no any motive to the petitioner to kill the deceased. Learned counsel for the petitioner submits that except the confession before the police, no other evidence has come to connect the petitioner in the alleged occurrence. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 11.11.2024.

5. Learned APP for State opposes the prayer for bail and submits that there is sufficient material against the petitioner in the case diary, hence she does not deserve bail.

6. From perusal of the case diary, FIR, postmortem report and also perused the impugned order dated 24.01.2025 passed by the learned Sessions Judge, West Champaran, Bettiah it appears that on the basis of self statement of the informant (S.H.O.) Nautan police station FIR has been lodged under



Sections 302, 201 and 34 of the Indian Penal Code against unknown persons. During investigation a lady namely Sabita Devi, upon seeing the photograph of the dead body in news paper and claimed that the dead body was of her husband namely Vijay Prasad. The name of the petitioner has cropped up in this case in para 50 of the case diary, wherein statement of the deceased's wife Sabita Devi has been recorded and she has stated that her husband Vijay Prasad (deceased) used to talk with Sushila Devi (petitioner) on phone and that her husband must have gone to laukariya where the occurrence took place. In paras 31 and 32 of the case diary, the witnesses have stated that the deceased used to talk with Sushila Devi (petitioner) for last few years and visited there as and when he got opportunity. CDR of deceased Vijay Prasad, reveals that the deceased used to communicate on phone for long duration with the petitioner and his last tower location was detected at laukariya in Bairiya P.S. and also on the fateful day of occurrence Vijay Prasad visited Sushila Devi (petitioner). The postmortem report of the deceased Vijay Prasad is mentioned at para 66 of the case diary and cause of death has been opined to be the antemortem injury sustained by the deceased, as a result of strangulation. The confessional statement of the petitioner Sushila Devi is on



record and it appears that she has confessed that she and deceased had illicit relationship and they were caught in compromising condition due to which his son threatened. She called the deceased on 17.12.2023 and asked him to visit her on 19.12.2023 and at around 12 0' clock in the night she along with her son Ravi Kumar strangled him with rope and her son threw his dead body with the help of unknown persons.

7. Considering the facts and circumstances of the case and keeping in mind the nature of allegation and material available in the case diary, as discussed above, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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