

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86078 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- JADIA District- Supaul

Sunita Devi @ Mamta Devi Wife of Pappu Sah Village- Pithaura Ward No.-
05, P.S.- Narpatganj, District- Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kuldeep Kumar, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Ashok Kumar Mishra, Adv. Ms. Pratibha Srivastava, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 02-07-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

2. The petitioner apprehends her arrest in connection
with Jadia P.S. Case No. 270 of 2023 registered for the offences
punishable under Sections 302, 201, 120(B), 34 of the Indian
Penal Code.

3. The case of the prosecution as disclosed in the FIR is
that upon information that a dead body has been recovered near
the canal in a very bad condition, the informant reached the
place and found that his son had been assaulted with sharp
cutting weapons and the entire narration in the FIR shows how
brutally he has been murdered and thrown in the canal. It has
further been alleged that some sharp cutting instruments and



other articles were also found at the place of occurrence. It has also been alleged that a few days back, the deceased had disclosed to the informant that there was some dispute existing with the accused persons named in the FIR including the petitioner with regard to transaction of money. The informant, therefore, strongly suspected that his son had been called to their house and under a conspiracy, all the five named accused persons including the present petitioner had brutally assaulted the deceased and thrown his dead body in the canal.

4. Learned counsel for the petitioner submits that it would be apparent from the FIR itself that only a suspicion has been raised upon all the accused persons including the present petitioner. He, however, does not doubt that a very brutal murder of the deceased has been committed. Learned counsel for the petitioner relies upon paragraph 108 of the case diary which contains the statement of one of the co-accused Shambhu Sah, upon perusal of which it would be evident that the petitioner has no role to play in the entire occurrence, but for the fact that there is a narration that the deceased had deliberately entangled her into a love affair and was trying to usurp some land from her by way of forged documents. It has further transpired in the said statement that it was actually this



accused Shambhu Sah who along with one Anand Sharma has committed the murder of the deceased.

5. Learned APP for the State and learned counsel appearing for the informant, however, vehemently oppose the grant of anticipatory bail to the petitioner and besides narrating the factum of brutal assault leading to the death of the deceased, the attention of this Court has been invited to paragraph 35 of the case diary to show that the present petitioner was also an accused in the murder of her own sister Sunita Devi for which she had even gone to jail and after coming out from jail, there was a love affair between the said Mamta Devi and the deceased and just two days before the occurrence, the main accused of the case, namely, Shambhu Sah along with his associate had come to the house of the said Mamta Devi (petitioner). Further, paragraph 53 containing the confessional statement of one Kamleshwari Sah has also been referred to, who happens to be the father of the present petitioner and this co-accused has also indicated the involvement of his own daughter Mamta Devi in the conspiracy for committing the murder of the deceased and pursuant to which the deceased had been called to the house of the petitioner by Shambhu Sah along with his friend Anand



Sharma and thereafter, he was killed and thrown in the canal. It is also pointed out by learned counsel for the informant that the petitioner also has a criminal antecedent under Sections 302/34, wherein she has been made an accused for the murder of her own sister.

6. Taking into consideration the rival contentions and also the brutal murder of the deceased and the materials appearing as against this petitioner in the form of a conspiracy being hatched for committing the murder of the deceased, I am not inclined to enlarge her on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, the application is dismissed.

(Soni Shrivastava, J)

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