

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80693 of 2024

Arising Out of PS. Case No.-333 Year-2024 Thana- NOORSARAI District- Nalanda

Babita Devi Wife of Tuntun Ram, Resident of Village- Dharampur, P.S.- Noor Sarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar No. I, Advocate Ms. Sonam Kumari, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for the State.

2. The petitioner seeks bail in connection with Noor Sarai P.S. Case No. 333 of 2024 dated 24.07.2024, registered for the offences punishable under Sections 103(1), 238, 3(5) of the Bhartiya Nyay Sanhita.

3. As per the allegation, the deceased is said to be wife of co-accused-Shrawan Ram, who had married her at Surat when he was working there as a labourer, whereas he was already married with co-accused-Arti Devi and has children from her and when she came to know about the second marriage of her husband with the Arti Devi, she came to the village Dharampur and started quarreling with her and she was also



assisted by the petitioner/ accused Babita Devi, who is married sister of her husband and as per the informant on the basis of hearsay, the deceased was killed by co-accused, Shrawan Ram, his first wife Arti Devi and his sister Babita Devi, who is petitioner herein, by throttling.

4. However, learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the dead body is not identified and the Petitioner is already in custody for about 6 moths since 24.07.2024. He further submits that petitioner is a lady and the case is based on hearsay and there is no eye-witness to the occurrence.

5. It is also stated in paragraph no. 2 of the petition that petitioner has never moved before this Hon'ble Court for grant of Anticipatory bail or Regular bail.

6. It is also stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature. It is further submitted that the dead body of the deceased has been found around the village of the accused-petitioner, where she is married and not near the



village of her husband/Shrawan Ram. The house of the accused-Shrawan Ram, who is said to be the husband of deceased is situated in Parwalpur Police Station, Nalanda, whereas the dead body of the deceased has been found in water around the village of the accused-petitioner where she is married and living with her husband/ co-accused Tuntun. As per the allegation, the Petitioner was also instrumental in the death of deceased along with the first wife of co-accused/Shrawan Ram. Hence, the petitioner should not be enlarged on bail.

8. Considering the serious nature of the alleged offence and the allegation against the petitioner and the finding of the dead body around her village, I am not persuaded to enlarge the petitioner on bail at present.

9. Accordingly, the prayer of the petitioner for bail stands rejected.

(Jitendra Kumar, J.)

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