

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83350 of 2024

Arising Out of PS. Case No.-442 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Punita Devi W/O Amit Kumar R/O Vill.- English, ward no.- 4, P.S-
Lakhisarai, Dist.- Lakhisarai, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 29-04-2025 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 103(1), 82(1) and 3(5) of the Indian Penal Code.

3. The present case is that the son-in-law of the informant along with the present petitioner, who is alleged to be the second wife of the husband of the deceased, used to assault and torture her daughter. The First Information Report further discloses that on 12.07.2024, the son-in-law of the informant informed him that his daughter had died, whereafter the informant came to the *sasural* of his daughter where preparation for cremation was being made.

4. Learned counsel for the petitioner submits at the



outset that there is allegation that this petitioner is the second wife of the husband of the deceased but, as a matter of fact, the allegations leveled in the F.I.R. are false. The F.I.R. would itself disclose that the due information with regard to the death of the deceased was given by the son-in-law himself, and no attempt was made to the cause disappearance of the evidence. It is further submitted that the marriage of the daughter of the informant was solemnized 20 years ago and two children are born out of the wedlock. Further submission is that no other complaint had been filed earlier with regard to any torture having been inflicted upon the deceased. The F.I.R. was also lodged after the inquest and post-mortem. A viscera report had been called for in the present case to verify as to whether the deceased was poisoned, the same is available on record and the result of the examination would go to show that no metallic and volatile poison could not be detected in the six plastic jars, as described above. However, anthracene was detected in the contents of the plastic bottle as described above.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Taking into consideration the facts and circumstances of the cases and also considering that the husband



of the deceased was already taken into judicial custody and was granted the privilege of regular bail *vide* order dated 22.01.2025 passed in Cr. Misc. No.81545 of 2024, I am inclined to grant the petitioner the privilege of anticipatory bail. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai P.S. Case No.441 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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