

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37704 of 2020**

Arising Out of PS. Case No.-53 Year-2019 Thana- ALIPUR District- Gaya

Madhu Devi, aged about 22 years, Female wife of Pappu Kumar Rai,
Resident of Village- Barshimha, PS- Alipur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Prasad Singh, Advocate
For the State	:	Mr. Md. Arif, APP
For the Parents of Deceased- Victim	:	Mr. Shailendra Kumar Sinha, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 22-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Devendra Prasad Singh, learned counsel for the petitioner; Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Shailendra Kumar Sinha, learned counsel for the parents of the deceased.

3. The petitioner apprehends arrest in connection with Alipur PS Case No. 53 of 2019 dated 20.07.2019, instituted under Sections 302 and 201/34 of the Indian Penal Code.

4. The petitioner, who is the wife of the younger brother of the husband of the deceased, is accused of being party to the murder of the deceased. The body of the deceased was recovered



on 20.07.2019, which disclosed brutal assault as there were various cuts on the face and upon not being identified for three days, it was also cremated and later on, as the father-in-law of the petitioner had filed a case with regard to his elder daughter-in-law missing, the case turned in the direction of the victim being identified and the allegation is that she was killed in the matrimonial home in connivance with all those present.

5. Learned counsel for the petitioner submitted that she being the wife of the younger brother of the husband of the deceased had no role in the murder and the only material which has come against her is the confessional statement of her father-in-law, which has been brought on record in the supplementary affidavit filed on behalf of the petitioner, in which details have been given, both with regard to the reason why the deceased was killed and the manner of the occurrence and disposal of the body in which also it has clearly been stated that the petitioner was neither aware of the plan by the others to kill the deceased and further that only when they were taking away the body she had woken up and was threatened not to raise any cry due to which she kept quiet. Learned counsel submitted that besides the said, only suspicion has been raised, that too by the relatives of the deceased, who were neither present at the time of occurrence nor



were privy to what was going on in the matrimonial home of the deceased. Learned counsel submitted that even as per the confessional statement, the petitioner is said to have been aware of the crime only after everything was complete and the body was being taken out of the house for disposal. Learned counsel submitted that besides being a lady, the petitioner has no criminal antecedent and has absolutely no role in the crime as there was absolutely no reason or motive for her to be party to such crime, if at all it was committed. Learned counsel submitted that the father-in-law of the petitioner, who has made the confessional statement, was taken into custody on 07.08.2019 and has been granted bail by a co-ordinate Bench by order dated 22.01.2020 passed in Cr. Misc. No. 4064 of 2020.

6. Learned APP submitted that she has been made accused because she was also part of the matrimonial home of the deceased, but fairly submitted that from the confessional statement of the father-in-law of the deceased, who is also father-in-law of the petitioner, the petitioner had neither any prior information nor was party to the crime and became aware only when the body was being taken out of the house for disposal and that due to threatening issued to her, she had kept quiet.



7. Learned counsel for the parents of the deceased submitted that the petitioner was a member of the matrimonial home and that she is equally responsible for the crime. It was submitted that the body had been hacked in a brutal manner and further that the relatives of the deceased have stated in their statement to the police that the petitioner also had a role and that she has also been chargesheeted by the police.

8. At this juncture, when the Court put a direct query to learned counsel as to whether there is any independent source which has verified that the petitioner had any direct role in the crime, he could not controvert the fact that the confessional statement of the father-in-law of the deceased as well as the petitioner is the only information with regard to the manner and mode of the crime as well as the role of various accused in the case.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Gaya in Alipur



PS Case No. 53 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, and further, (i) that one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner shall co-operate with the Court and police/prosecution. Failure to co-operate shall lead to cancellation of her bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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