

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45881 of 2016

Arising Out of PS.Case No. -10 Year- 2009 Thana -ALAMNAGAR District- MADHEPURA

=====

Kala Devi @ Kalo Devi, W/O Shrabhan Singh, resident of Village-
Bathnaha, P.S. Alamnagar (Ratwara), District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 14-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends her arrest in connection with
Alamnagar (Ratwara) P.S. Case No.10 of 2009 registered under
Sections 302/34 of the Indian Penal Code, pending in the court of
the Chief Judicial Magistrate, Madhepura.

The accusation is that five persons, named in the F.I.R.,
including the petitioner started to scuffle with Ruby Devi, the wife
of the informant, and also caused assault to her. At that time, on
the order of the co-accused Saryug Singh, the co-accused Shrabhan
Singh, the husband of this petitioner, poured kerosene oil on the
body of Ruby Devi and the co-accused Pramod Singh lit the match



stick and threw on her body causing burn injury to her. While Ruby Devi, was rushed for treatment at Primary Health Centre, Alamnagar, from where she was referred to Purnea but she died on the way.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the only allegation against the petitioner is of scuffling with the deceased, the wife of the informant. The specific allegation of pouring kerosene oil on the order of the co-accused Saryug Singh and put the deceased on fire by lighting match stick and throwing on the body of the deceased is against the co-accused Shrabhan Singh, the husband of the petitioner, and Pramod Singh respectively. Further submission is that the co-accused Shrabhan Singh, Saryug Singh, Pramod Singh and Police Singh, on facing trial, have already been acquitted vide Judgment dated 28.02.2012 passed in Sessions Trial No.218 of 2011 by the court of Additional Sessions Judge, Fast Track Court-III, Madhepura.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within



six weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

