

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23388 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- KARJA District- Muzaffarpur

=====

Maimun Nisha, Wife of Md. Khurshid, Resident of Village-Makdumpur
Kodariya, P.S. Karja, Distt. Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 304/34 of the IPC.

The prosecution case, as per the written report of Rubaida
Khatoon dated 23.02.2018, submitted to the Station House
Officer, Karja Police Station is to the effect that one week prior
to the lodging of the FIR, the informant's neighbour, Md.
Khurshid and his wife, Maimun Nisha (petitioner) had spread
naked live electric wire in the maize field, which was protested
by the informant, but they declined to remove the same since
they apprehended damage of maize crop. On 22.02.2018 at



11A.M., when the son of the informant, Ayan Raza was coming from the school, he came in contact with live electric wire and subsequently, he was declared dead during treatment at hospital.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, offence, at best, under Section 304A IPC is made out, as admittedly, even from the accusation, it appears that the petitioner or her husband had no intention to kill the child of the informant. The petitioner is a Pardanaseen lady and she has nothing to do with the fixing of naked live electric wire in the maize field as she never used to go to maize field. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that due to deliberate act of the petitioner and her husband, the informant's minor son got electrocuted.

Considering the nature of accusation and the fact that the petitioner is a lady, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the



satisfaction of learned 2nd ACJM, West Muzaffarpur in connection with Karja P.S. Case No. 38 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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

