

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46533 of 2019

Arising Out of PS Case No.-261 Year-2018 Thana- HUSSAINGANJ District- Siwan

Indrawati Devi, aged about 47 years (F) Wife of Ugam Shamra Resident of Village- Telkathu, P.S.- M.H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ajay Kumar Pandey, Mr. Chandan Kumar and Mr. Sandeep Kumar, Advocates
For the State	:	Dr. Indihar Kumari, APP

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

ORAL JUDGMENT

Date : 18-12-2019

Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Ajay Kumar Pandey, learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Hussainganj (MH Nagar) PS Case No. 261 of 2018 dated 19.08.2018 instituted under Sections 302/326(A) of the Indian Penal Code.

3. The petitioner is accused of setting on fire her daughter-in-law leading to her death.

4. Learned counsel for the petitioner submitted that she being the mother-in-law and marriage having taken place about 12



years back and there being two minor daughters, the petitioner cannot be expected to have committed the crime. It was submitted that the victim was not in a position to speak and, thus, her so called statement cannot be believed. Learned counsel submitted that one witness has stated that when he came to the house after the incident, he was told that the victim had set herself on fire. Learned counsel further submitted that even the two daughters of the deceased have stated during investigation that the deceased had committed suicide. It was submitted that the petitioner is a lady and law provides that case of a lady should be considered as a special case. Learned counsel submitted that the petitioner is in custody since 12.04.2019. Learned counsel submitted that the incident occurred on 13.08.2018 but the FIR was lodged on 19.08.2018 and, thus, the prosecution version in the FIR is not worth relying.

5. Learned APP, from the case diary, submitted that the statement of the victim was recorded on 13.08.2018 itself i.e., on the date of occurrence and has been attested by the Medical Officer of the Sadar Hospital, Siwan and, thus, at least for the present, there cannot be any *bona fide* challenge to the same. It was further submitted that such statement was recorded on 13.08.2018 itself and if the police has formally registered the FIR



on 19.08.2018, such may be a lapse on the part of the police but would not be fatal to the prosecution as there is no delay in recording of the statement of the victim herself. Learned counsel submitted that the statement of the two minor girls would be of no consequence for the reason that they being minor girls, living with the father in his house, cannot be expected to state anything against the petitioner, who is their grandmother.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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