

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20241 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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Manju Devi wife of Shatrughan Singh Resident of Mohalla - Satendra Nagar,
P.S.- Aurangabad Town, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad
For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects, the

office shall place the matter before the bench.

Heard learned counsel for the petitioner and



learned counsel for the State.

The petitioner, being mother of the husband of the victim is apprehending her arrest in a case registered for the offences punishable under Sections 302, 304(B) of the Indian Penal Code.

The prosecution case as per the complaint filed by Anita Singh being Complaint Case No. 531 of 2019 on 15.07.2019 before the Chief Judicial Magistrate, Aurangabad which was got Aurangabad Town P.S. Case No. 265 of 2019 under Section 156(3) of the Cr.P.C which is to the effect that the informant used to reside in the neighborhood of her daughter's matrimonial house. It is alleged that on 10.03.2019, the informant found that fire-smoke coming out from the in-laws' house of her daughter and when the informant went there, she found that her daughter has been set on fire by all the F.I.R named accused persons including the petitioner. The informant thereafter took her daughter to Anugrah Narayan Medical College & Hospital, Gaya for treatment



where she succumbed to the burn injuries. Subsequently, statement of the informant was recorded. When the informant came to know that no case has been registered, hence, he filed a complaint on 15.07.2019 before the Court of Chief Judicial Magistrate, Aurangabad which ultimately led to the registration of the present F.I.R on 02.08.2019.

Learned counsel for the petitioners submits that the informant claims to have known about the occurrence on 10.03.2019 but the complaint was filed on 15.07.2019 i.e. after four months of the alleged occurrence. Subsequently, the F.I.R was registered on 02.08.2019 without any cogent explanation for such delay. In fact the petitioner was at Banaras on the date of alleged occurrence. In fact, the victim received burn injuries while cooking. The thrust of accusation is against the husband of the victim. Moreover, the informant has subsequently retracted from the initial accusation and filed a petition to that effect in the Court of learned Chief



Judicial Magistrate, Aurangabad which has been brought on record as Annexure-4.

Learned A.P.P. submits that petitioner is named in the F.I.R and the informant claims to have seen the occurrence.

From perusal of the F.I.R, it appears that date of marriage has not been given, as a result, the F.I.R has been registered under both the Sections 302 and 304(B) of the Indian Penal Code. Moreover, for the alleged occurrence of 10.03.2019, the complaint was filed on 15.07.2019 which was subsequently got registered as police case on 02.08.2019 when the informant claims to have seen the occurrence on 10.03.2019.

Considering the delayed lodging of the case, the petitioner being a lady, thrust of accusation is against the husband of the victim, investigation already being concluded coupled with the fact that petitioner is not having any criminal antecedent, let the petitioner, above



named, in the event of her arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 265 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 265 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly the present application stands disposed of.

(Dinesh Kumar Singh, J)

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