

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28609 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- CHAUTHAM District- Khagaria

MUNNI DEVI (SAS), Wife of Jawahar Mahato, Resident of Village - Kaithi,
P.S.- Chautham, Dist.- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jay Narayan Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-01-2021 Heard learned counsel for the petitioner and Mr. Jay Narayan Thakur, learned A.P.P. for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Chautham P.S. Case No. 35 of 2020 registered for the offence under Sections 342/323/320/307/504/506/34 of the Indian Penal Code as well as Section 3/4 of the Prevention of Ditch Act.

Learned counsel for the petitioner submits that the informant in her ferdbeyan alleged that earlier her mother-in-law and her husband were torturing by saying her witch and also for demand of money. They used to ask for bringing money from the maternal home. On 10.01.2020 at about 7.00 PM the informant was at her house, her husband assaulted with the brick on the head of informant due to that she fallen on the



earth. Thereafter her mother-in-law spread kerosene oil on her cloth and her husband set her on fire.

Learned counsel for the petitioner submits that petitioner is a widow lady and she has falsely been implicated in this case. The allegation of sprinkling of kerosene on the cloth of the informant is super addition in the F.I.R. During investigation no independent witness has come to support the allegation of assault.

Learned A.P.P. for State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the victim lady has herself made statement that this petitioner has role to play in the alleged occurrence of setting her on fire, this being an application for grant of anticipatory bail, considering the seriousness of the allegation and the nature of the material present particularly the statement of injured witness who has been supported by some of the witnesses in course of the investigation, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

In case the petitioner surrenders and prays for regular bail before the learned Court below within a period of four weeks from today her prayer for regular bail shall be considered



on its own merit without being prejudiced by order of this Court.

The observation with regard to surrender in the court below within a period of four weeks shall not be construed as granting any interim protection to the petitioner for the aforesaid period.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

