

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18198 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- DAGARUA District- Purnia

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Fukani Devi @ Funji Devi W/o Ramu Sah Resident of Village - Kamalpur,
P.s.- Dagarua, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 341, 323,
326(A), 406 and 506/34 of the Indian Penal Code.

As per the prosecution case, on 26.02.2021, the
petitioner's husband had taken loan of Rs. 1,00000/- in cash
from the informant and assured to pay him within one or two
months. On repeated demand, he returned Rs. 45,000/- only and
assured that he will return the rest amount (Rs. 55,000/-) within
ten days. However, petitioner's husband didn't return the said
amount due to which quarrel started, meanwhile Fukani Devi



(petitioner) threw acid which was contained in the white bottle on the head of the informant and, somehow, he saved himself but it fell on his arm and started burning. Thereafter, some villagers came there and rescued the petitioner. A panchayati was held on the same day i.e. on 26.02.2021 wherein, Panches assured the informant that the expenses of treatment will be paid by the accused person and also the accused person will return the rest amount. After panchayati, no amount was paid by the accused person due to which, the informant lodged the instant case against the petitioner and her husband.

Learned counsel for the petitioner submits that the petitioner is innocent and she has not committed any offence. It is further submitted by the learned counsel for the petitioner that there is inordinate delay of about one month in lodging the F.I.R without giving any plausible explanation of delay which creates serious doubt about the prosecution case. As a matter of fact, the petitioner and the informant are close relative and next door neighbour also and there is land dispute between the parties. It is submitted that the petitioner is in custody since 08.01.2022, having clean antecedent and charge-sheet has been submitted in the case.

Learned A.P.P. for the State vehemently opposes the



prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia in connection with Dagarua P.S. Case No. 87 of 2021.

(Khatim Reza, J)

Gaurav Kumar/-

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