

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31605 of 2021

Arising Out of PS. Case No.-847 Year-2020 Thana- SUPAUL District- Supaul

ASHA DEVI Wife of Pankaj Kumar Chaudhary, Resident of Village - Ashok
Nagar, Ward No. 25, P.S.- Navhatta, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar
		Mr. Gautam Shah
For the Opposite Party/s :		Ms. Veena Kumari Jaiswal

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 26-07-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner apprehends her arrest in connection
with Supaul P.S. Case No. 847 of 2020 registered for offence
punishable under section 302/34 of the Indian Penal Code.

As per allegation, the younger brother of the
informant, Pankaj Kumar used to abuse and assault the
informant and his wife and he wanted to grab his house. On
19.11.2020, when the informant was out of his house, the
accused persons, including the petitioner entered into his house



and assaulted his wife. When the informant came to the house, his wife narrated the entire occurrence. To bring some articles the informant went out from his house and when he returned, he saw flames and fumes emerging from his house and entered into his house and found his wife in burnt condition. She died during course of treatment in P.M.C.H., Patna.

The learned counsel for the petitioner has submitted that the petitioner is innocent. Both the parties are agnates. There was previous dispute. The case was lodged after five days of the occurrence and FIR was registered on 16.12.2020. The counsel for the petitioner has submitted further that the husband of the petitioner on similar ground has been granted regular bail.

The FIR shows itself that on the same day prior to the occurrence, the deceased was assaulted by the accused persons including the petitioner. Soon thereafter, the informant saw fumes and flames emerging from his house and his wife was found in semi burnt condition. She died in P.M.C.H. due to burnt injury. As such, in my view, it is not a fit case for anticipatory bail. Accordingly, it is rejected.

The petitioner is directed to surrender before the court below and make a prayer for regular bail. The learned court below may dispose of the regular bail petition of the petitioner



without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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