

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32659 of 2022

Arising Out of PS. Case No.-618 Year-2020 Thana- KATIHAR NAGAR District- Katihar

Asha Devi, wife of Sanjay Sah Resident of Mohalla- Driver Tola, Ward No. 16, P.S. Nagar (Katihar), District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-09-2022 Heard Mr. Bimal Kumar, learned counsel appearing on behalf of the petitioner and Mr. Md. Iftekhar Mahmood learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Nagar (Katihar) P.S. Case No. 618 of 2020, for the offence punishable under Sections 498(A), 307, 326A and 506/34 of the Indian Penal Code and Sections 3/4 Dowry Prohibition Act.

The prosecution case, in brief, is that the informant, who is the victim, was married with one Ranjeet Sah and while she was sleeping, the accused persons poured acid on her face for alleged non-fulfillment of demand of Rs. 50,000/- from the father of the informant.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is sister-in-law of the informant and she used to live separately while the informant and her husband used to live in a separate rented house and after the petitioner being married she seldom used to visit her father's house or the house of her brother. This court vide order dated 09.12.2021 passed in Criminal Miscellaneous No. 38448 of 2021 had been pleased to enlarge the husband of the petitioner against whom also the smaller allegation has been made in the F.I.R. The petitioner has remained in custody since 25.02.2022 and she being only family member of her house and she has to take care of her two daughters and two sons, who were left alone in the house.

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

Having heard the rival submissions of the parties and specific statement made on behalf of the petitioner that she is nowhere connected with the alleged crime nor there is evidence to show that she had thrown of acid on the face of victim while she was sleeping. The petitioner's husband has already been released on bail against whom similar allegation has been made in the F.I.R, petitioner has remained in custody since 25.02.2022



and she is sister-in-law of the informant. The medical report is not constant as would appear from Annexure-2 that victim received 52 percent acid burn injury, on the other hand, from Annexure-3 it appears that 18% superficial chemical burn injury was found on the different parts of the body of the victim. There is ten days delay in lodging of the F.I.R. The Chargesheet has already been submitted.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Katihar in connection with Nagar (Katihar) P.S. Case No. 618 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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