

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17939 of 2022

Arising Out of PS. Case No.-385 Year-2019 Thana- BEGUSARAI TOWN District- Begusarai

Girish Devi, W/o Hare Ram Choudhary, Resident of Village- Maksudanpur,
P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. A.K. Thakur, Advocate
For the State	:	Mr.Satya Nand Shukla, APP
For the Informant	:	Mr.Shubhesh Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 06-02-2023 Heard learned counsel for the petitioner and the learned counsel for the informant as well as the learned APP for the State.

The petitioner seeks bail in connection with Town P.S. Case No.385 of 2019 registered for the offence punishable under Section 306 of the Indian Penal Code, in which later on chargesheet has been submitted under Section 302/34 of the I.P.C.

As per the FIR, the informant has stated that her husband was being tormented by his own family members ever since she solemnized marriage with him against the wishes of his family members.

The allegation is of continued mistreatment since the



year 2015 and on 25.06.2019, it is alleged that there was some dispute between the parties over sharing of ancestral property, whereafter the family members of her husband have driven the husband to sprinkle petrol on himself and ignite himself on fire, leading to burn injuries, whereafter he has been taken to Alaxia Hospital and from there, referred for further treatment. When she has returned on 30.06.2019 to take money for his treatment, then it is alleged that the victim's mother has not allowed her to enter the house.

Learned counsel for the petitioner submits that the FIR *prima facie* narrates highly improbable and absurd story. The same has been instituted on 08.07.2019 in respect of an occurrence alleged to have taken place on 25.06.2019.

The further submission is that the petitioner is the mother of the informant and, in fact, the informant and her family members have been made accused during investigation. She is aged about 55 years and is in custody since 06.01.2022. The investigation is complete.

On the other hand, learned APP along with the learned counsel for the informant has opposed the prayer for bail. It is submitted that on 29.06.2019, statement of the victim has been recorded, wherein he has given a totally different version from



that which is stated in the FIR. The victim has stated that he has been set ablaze at his in-laws house after sprinkling petrol on him.

The submission is that the specific allegation has been levelled by the injured victim who later succumbed to his burn injuries. It is submitted that one of the uncles of the informant, namely, Murlidhar Chaudhary, had moved this for grant of bail in August, 2020, when the same has been rejected. It is also submitted that in paragraph 8 there is statement of the neighbours that the petitioner along with other members of the informant's family was standing near the *Darwaza* when the victim's body was on fire.

Considering the statements of the neighbours recorded in paragraph 8 as well as the statement of the victim recorded in paragraph 13 of the case diary, this Court would find that the material indicates igniting of fire by the father-in-law of the victim. In so far as the instant petitioner, who is the mother-in-law of the victim, there is general and omnibus allegation of driving the victim out of the house.

Also considering the material in the case diary, the fact that the investigation is complete and taking into consideration the fact that the petitioner is a female and has



remained in custody since 06.01.2022, whereas there is no progress whatsoever in the trial in respect of the petitioner, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai, in connection with Town P.S. Case No.385 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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