

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39526 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- MAHILA P.S. District- Siwan

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1. KISHOR BAITHA Son of Budhai Baitha Resident of village - Imlauli, P.S. - Mairwa, Distt. - Siwan
 2. Dharmshila Devi Wife of Surendra Baitha Resident of village - Imlauli, P.S. - Mairwa, Distt. - Siwan
 3. Kitu Devi Wife of Janardhan Baitha Resident of village - Imlauli, P.S. - Mairwa, Distt. - Siwan
 4. Sashikala Devi Wife of Shailendra Baitha Resident of village - Imlauli, P.S. - Mairwa, Distt. - Siwan
 5. Amarjit Baitha Son of Kishor Baitha Resident of village - Imlauli, P.S. - Mairwa, Distt. - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niva Kumar Devi Wife of Satendra Baitha Resident of village - Imlauli, P.S. - Mairwa, Distt. - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-08-2023 1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant who has appeared *suo motu*.

2. The petitioners apprehend their arrest in connection with Siwan (Mahila) P.S. Case no. 10 of 2023 registered under sections 307, 498A, 341, 323, 324, 326, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states



that the accused persons who are the brother-in-law, sister-in-law as also one of their son, in absence of her husband who resides outside the country for the purpose of work, assaulted and tried to burn her by pouring kerosene oil on her, in the manner stated in the FIR.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the case on account of family dispute between the parties. Two cases were registered for similar offence. Three of the petitioners herein have been enlarged on anticipatory bail vide order dated 18.7.2023 passed in Cr. Misc. no. 39168 of 2023. As such it is prayed that the petitioners be enlarged on bail.

5. The application for bail is opposed by learned counsel for the State and learned counsel for the informant. Learned counsel for the informant submits that from perusal of the two FIRs itself it would transpire that the same are for two distinct and different occurrences. There is direct allegation against the petitioners in the FIR. The allegations have been substantiated from the injury found by the doctor who has also opined that the nature of injury is grievous. As such it is prayed that the application be rejected.

6. Having heard learned counsel for the parties and



taking into consideration the nature of allegation against the petitioners in the FIR together with the submissions made on behalf of the informant wherein the allegations against the petitioners have been substantiated from the injury report wherein the nature of injury have been found to be grievous, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.

7. In case the petitioners surrender in the Court below within the period of four weeks, their application for bail shall be considered on its own merit without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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