

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71068 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- WAJIRGANJ District- Gaya

Musri Khatoon W/O Md. Allauddin R/O Village- Chain Bigha, P.S-
Wazirganj, Distt.- Gaya, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Wazirganj P.S. Case No. 143 of 2023, registered on 15.03.2023 for the alleged offence under Sections 304B/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was set on fire by her husband and other in-laws and later on, she died during her treatment. The allegation against the petitioner, who is aunt of the husband of the deceased, is that she and co-accused Sarfuddin Shah caught hold the hands of the deceased while her co-accused husband poured kerosene oil and set her on fire and her co-accused mother-in-law gave match box.

4. Learned counsel for the petitioner submits that the



petitioner is innocent has falsely been implicated in this case. The petitioner is not mother-in-law of the deceased and mother-in-law of the deceased is already in custody. She is related to the mother-in-law of the deceased and she is aged about 63 years. The petitioner and her husband were living separately from the in-laws of the deceased. Learned counsel further submits that during investigation police found that it was a case of accidental fire. This fact is also apparent from the FIR that the husband of the deceased called the informant from his house on the fateful day and if it were the intention of the accused persons to kill the daughter of the informant, they would have not called the informant from his house. The petitioner is in custody since 29.04..2023 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the specific allegation against the petitioner is that she caught hold of the hands of the deceased while she was set on fire by her husband and other in-laws.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the petitioner is not directly related to the deceased and said to be aunt of the husband of the



deceased and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Gaya/concerned court in connection with Wazirganj P.S. Case No. 143 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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