

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73974 of 2022

Arising Out of PS. Case No.-45 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Ghogar Devi @ Dhodhra Devi @ Dhogar Devi @ Gogar Devi W/O Devlal
Sahani R/V- Rulahi, P.S.- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Muffasil P.S. Case No. 45 of 2021 registered under sections 325, 326, 307 and 34 of the Indian Penal Code and subsequently Section 302 of the IPC was added.

Prosecution case in short is that when the informant went to her field for grazing goats. She collected wood and set it on fire to warm herself. In the meantime, all FIR named accused persons including the petitioner put sugarcane leaves in the fire and co-accused persons, namely, Guljar Sahani and Deolal Sahani allegedly threw flame of fire on her body which caught



fire in her sari and thus she started burning and raised alarm, then wife of one Shankar Sahani reached there and saved her and took her to hospital for treatment. Later on during treatment, she succumbed to burn injuries.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. She has falsely been implicated in this case due to dirty village politics. There is inordinate delay of 12 days in lodging the F.I.R. without any satisfactory explanation. It is further submitted that there is no specific overt act against the petitioner, rather specific allegation has been levelled against other co-accused persons, namely, Guljar Sahani and Devlal Sahani, who have thrown fire on the body of the deceased. Nothing cogent material has come against the petitioner in this case. It is also submitted from para-11 of this petition that good sense has been prevailed between both the parties, and the same is annexed as Annexure-2 of this petition. A statement has been made in para-3 of this petition that She has got no criminal antecedent. She is languishing in judicial custody since 12.10.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and



taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Muffasil P.S. Case No. 45 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran.

(Sunil Kumar Panwar, J)

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