

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43654 of 2024

Arising Out of PS. Case No.-475 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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Mobina Khatoon Wife of Azad Khan @ Ajhar Alam R/O Mohalla- Nakchhed
Tola, Ward no. 4, P.S.- Motihari Town, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Prateek Tandon, Advocate
For the State : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-07-2024 Heard learned counsels for the parties.

2. The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, on 15.05.2019 at about 11AM, nephew of informant called him and told that his sister, namely Shaira Khatoon, was set on fire by all F.I.R. named accused persons, including this petitioner, and when the husband of the victim went to save her, he also sustained burn injuries. It is further alleged that during course of treatment, the victim died.

4. It is submitted by learned counsel appearing on



behalf of the petitioner that petitioner is devrani of the deceased and she has falsely been implicated in this case. It is further submitted that informant is not an eye witness of the alleged occurrence. Allegation is general and omnibus and there is no specific accusation of overt act against this petitioner. Moreover, two co-accused persons have already been acquitted vide order dated 29.09.2021 passed by the learned 12th Additional Sessions Judge, East Champaran, Motihari, in Sessions Trial No. 344 of 2021. Petitioner is a lady and claims clean antecedents.

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

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran, in connection with Motihari Town P.S. Case No. 475 of 2019, subject to condition as laid down under Section 438(2) of the



Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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