

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56016 of 2024

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

ANWARI KHATOON WIFE OF LATE MD. MUSTAQUE SAH R/O-
VILLAGE- CHAIN BIGHA, P.S.- WAZIRGANJ, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Wazirganj P.S. Case No. 143 of 2023 instituted for the offences
under Sections 304B, 34 of the Indian Penal Code.

3. Earlier, the bail application of the petitioner was
rejected vide order dated 17.02.2024 passed in Cr. Misc. No.
80976 of 2023. However, while rejecting the same this Court
has given liberty to the petitioner to renew her prayer for bail
after framing of charge. From perusal of record, it appears that



charge has been framed under Section 302/34, 304B/34 of the IPC against the petitioner and this is her second application wherein the petitioner prays for bail.

4. Prosecution case, in short, is that the daughter of the informant was set on fire by her husband and other-in-laws and, later on, she died during course of her treatment. The specific allegation against the petitioner, who is the mother-in-law of the deceased, is of throwing burning matchbox on the body of the deceased and, thereafter, closing the door from the outside due to which she sustained serious burn injuries. She was taken to Magadh Medical Hospital, Gaya where she died in course of her treatment.

5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is the mother-in-law of the deceased. Learned counsel further submitted that the petitioner resides separately from her son and she is separate in mess and means. He further submitted that the petitioner has no role in the matter and she has been made victim of the circumstance. Learned counsel further submitted that it was a case of accidental fire. Learned counsel further submitted that husband of the deceased himself had called the informant regarding accident and if it were the



intention of the accused persons to kill the daughter of the informant, they would not have called the informant from his house. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.04.2023 and has no criminal antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that there is specific allegation against the petitioner and the offences are serious in nature.

7. Considering the aforesaid facts and circumstances of the case, since charge has already been framed against the petitioner as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Wazirganj P.S. Case No. 143 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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