

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63177 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- BIHARIGANJ District- Madhepura

1. Asha Devi, Wife of Mithilesh Sah, R/o Village -Kushthan Ward No. 2, P.S.- Bihariganj, Dist.- Madhepura
2. Gudiya Kumari, Daughter of Mithilesh Sah, R/o Village -Kushthan Ward No.2, P.S.-Bihariganj, Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Prasad Verma, Adv.
For the State	:	Mr. Sunil Kumar Pandey, APP
For the Informant	:	Mr. Subesh Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-10-2024

1. Heard Mr. Dinesh Prasad Verma, learned counsel for the petitioners, Mr. Sunil Kumar Pandey, learned APP for the State and Mr. Subesh Sharma, learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Bihariganj P.S. Case No. 216 of 2024 dated 27.06.2024 registered for the offences punishable under Sections 323, 324, 326, 307, 341, 354, 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution story, the informant alleged that Asha Devi (Petitioner No. 1) took a sum of Rs. 50,000/- from her husband but was not returning the same. She further alleged that on 25.06.2024, Asha Devi called her husband to her house to take the money back and when her husband went to her



house then Asha Devi and Gudiya Kumari (petitioner No. 2) threw boiling water over him and on alarm raised by him, the informant went to save her husband but one person namely Sanjay Sah abused and assaulted her. She further alleged that in the alleged occurrence, her husband's gold chain worth Rs. 15,000/- and her gold earrings worth Rs. 30,000/- were snatched by the accused persons.

4. Learned counsel appearing for the petitioners submits that the instant matter relates to simple allegation of throwing boiling water at the informant's husband but the said allegation is not against petitioner No. 1 and further as per the injury report of the informant's husband, only superficial burn on the left side of upper chest measuring 6" x 5" was found. It is further submitted that both the petitioners are women and petitioner No. 2 is an unmarried young girl and both the petitioners are relatives of the informant. Learned counsel further submits that the alleged offences under section 326 and 307 of IPC do not attract in view of the medical opinion given in respect of the injury of the informant's husband.

5. On the contrary, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioners and submits that the alleged occurrence was committed in a planned manner, in fact a sum of Rs. 50,000/-



was borrowed by the petitioner No. 1 from the informant's husband which was not returned and on the alleged day of occurrence, the petitioner No. 1 called the informant's husband at her house to return the said money, when the informant's husband, believing her, went to her house then the petitioners went inside their house and the petitioner No. 2 threw boiling water on the face of the informant's husband and thereby causing serious burn injury to the informant's husband and in this regard, the medical treatment documents alongwith a photograph of the victim have been filed as Annexure- 'A' series with the counter affidavit. Learned counsel further submits that the victim was initially treated at Bihariganj Primary Health Centre and thereafter, he was referred to higher centre and he is still under treatment and the victim's photograph clearly shows that he sustained serious burn injuries and his face has also been disfigured.

6. Learned APP has also opposed the bail prayer of the petitioners.

7. Considering the seriousness of the allegation appearing against the petitioner No. 2 who allegedly threw boiling water at the informant's husband causing burn injuries at the victim's face and chest, in the said allegation, this Court is not inclined to grant the relief of anticipatory bail to the



petitioner No. 2. Accordingly, the prayer of the petitioner No. 2 stands rejected.

8. So far as the prayer of petitioner No. 1 is concerned, as against her, there is no allegation of throwing boiling water at the informant's husband, considering this aspect, the petitioner is granted the relief of anticipatory bail. Accordingly, let the petitioner No. 1 named-above, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Bihariganj P.S. Case No. 216 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. However, considering the young age of the petitioner No. 2, she is given a liberty to surrender before the trial court, if she surrenders within twenty-five days from today then the learned trial court shall decide her regular bail prayer on the same day according to merit, keeping in view her young age without being prejudiced with this order.

(Shailendra Singh, J)

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