

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67043 of 2024

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

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Mobina Khatoon W/o Azad Khan @ Ajhar Alam R/o Mohalla- Nakchhed
Tola, Ward No.4, P.S.- Motihari Town, District- 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. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-12-2024 Heard learned counsels for the parties.

2. The petitioner seeks bail 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 for the petitioner that petitioner is sister-in-law (*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 with no criminal antecedents and she is in custody since 18.07.2024. Moreover, charge-sheet has already been submitted.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that she, along with other accused persons, set the victim on fire as a result of which victim died during course of treatment.

6. Considering the aforesaid facts and circumstances of the case, rival submissions, nature of accusation, period of custody and clean antecedents of the petitioner, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released 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.

(Prabhat Kumar Singh, J)

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