

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89160 of 2024

Arising Out of PS. Case No.-200 Year-2012 Thana- LALGANJ District- Vaishali

Kaushalya Devi Wife of Upendra Mahto @ Opendra Mahto Resident of
Village- Purantand, P.S.- Lalganj, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Lalganj P.S Case No. 200 of 2012 registered for the offences
punishable under Sections 147, 436 and 304 of the Indian Penal
Code.

3. As per prosecution, the present criminal case has
been filed against six named accused persons including the
petitioner. Allegation against the petitioners is that they have
put on fire the hut of the informant due to which two month's
baby of the informant was burnt.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case due to dirty



village politics. He has no concern with the alleged occurrence. The F.I.R. has been lodged after the inordinate delay of about three months from the date of occurrence. During investigation, none of the independent witnesses has supported the prosecution case. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 12.08.2024. the other co-accused persons have already been granted bail by a co-ordinate Bench of this court vide order dated 04.11.2022, 24.11.2022, 04.03.2024 passed in Cr. Misc. No. 47522 of 2022, 47615 of 2022 and 14078 of 2024 respectively.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order dated 16.11.2024 and period of custody and also considering the fact that occurrence has taken place on 04.09.2012 and the FIR has been lodged on 22.12.2024 i.e., delay of about three months and there is no plausible explanation to the delay. It is also evident from the impugned order that one FIR has been lodged earlier by the co-accused Suresh Mahto vide Lalganj P.S. Case No. 182/2011 dated 07.08.2011 under Section 376 of the Indian Penal code against the Devar of the informant namely Parmeshwar Mahto, in which petitioner is one of the eye



witness. Moreover petitioner is an old ailing lady of about 70 years and there is general and omnibus allegation against the petitioner and no any specific allegation levelled against the petitioner, let the above named 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 learned C.J.M Vaishali, Hajipur in connection with Lalganj P.S Case No. 200 of 2012.

(Ramesh Chand Malviya, J)

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