

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49774 of 2014

Arising Out of PS.Case No. -94 Year- 2013 Thana -SHAMBHUGANJ District- BANKA

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ARUNA DEVI @ ARUNA KUMARI W/O SANJEEV SINGH R/O
VILLAGE SHAMBHUGANJ BAZAR, POLICE STATION -
SHAMBHUGANJ, DISTRICT - BANKA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Pravin Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 06-07-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Deceased Rani Kumari gave her fardbeyan disclosing therein that in the background of persisting demand followed with torture, on 13.06.2013 at about 07:00 AM her husband Chandan Mandal, father-in-law Sanjiv Singh, mother-in-law Aruna Devi, brother-in-law Kundan Mandal sprinkled K. Oil and lit fire. Then thereafter, they (accused persons) took her to Banka hospital and from there to medical college. At the same place, as is evident from para-57 of the case diary similar kind of allegation has been attributed which was recorded by an Executive Magistrate under the banner of dying declaration.

Learned counsel for the petitioner submits that petitioner is mother-in-law. Husband as well as brother-in-law are



under custody. Then it has been submitted that tenants of petitioner whose statement have been recorded under para-8 and onward have clearly stated that as deceased had suspected over character of her husband on account thereof, they both quarrelled at so many times and during course thereof, deceased herself lit fire and on account thereof, she was shifted to hospital. Therefore, in the background of aforesaid statement there happens to be no possibility of petitioner to indulge and on account thereof, the allegation attributed by the deceased is fit to be rejected. Also submitted that mother-in-law, at least for the purpose of bail, even in the background of dying declaration should be favourably considered. Apart from this, from the statement of the deceased itself, it is evident that it happens to be accused persons who lifted her to hospital even up to Medical College, Bhagalpur in order to save her. Had there been any sort of grievances against the deceased, they would have allowed the deceased to die at her place itself. It has also been submitted that from the postmortem report it is apparent that 70% of burn injury was there which also put question mark over authenticity of the dying declaration. As such, petitioner should be released on bail.

On the other hand, the learned Additional Public Prosecutor opposed the prayer.

Considering the fact that there happens to be specific allegation alleged by the deceased against the petitioner, husband, father-in-law, brother-in-law to have poured K. oil and lit fire, on account thereof, I do not see it a fit case for grant of bail.

Prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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