

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6756 of 2016

Arising Out of PS.Case No. -264 Year- 2015 Thana -MANIGACHI District- DARBHANGA

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1. Nisha Devi Wife of Binay Sahni Resident of Village - Nehra, P.S. Manigachhi Nehra O.P., Distt. Darbhanga..... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 11-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Manigachhi Nehra P.S. Case No. 264 of 2015 registered for the offences punishable under Sections 341, 323, 326, 302, 120B of the Indian Penal Code.

Allegedly, at the instigation of co-accused Laxmi Sahani the father of the informant, Nishi Kumari aged 16 years, the daughter of the informant, was burnt and Nishi Kumari and neihbrouers told the informant that Randhir Sahani @ Nagina and Binay Sahani caught Nishi Kumari and Sunita Devi and the petitioner sprinkled kerosene oil whereas Binay Sahani and Randhir Sahani @ Nagina lit fire on the person of the deceased, resulting, she died at the gate of PMCH.

Submission is of false implication and that entire family



members have been implicated with oblique motive, during investigation witnesses vide paragraph 9, 10 and 11 of the case diary have stated that Randhir Sahani caught Nishi Kumari and Binay Sahani after sprinkling kerosene oil lit the fire on her and further in paragraph 25 the witness has stated the name of Binay Sahani and Randhir Sahani @ Nagina who burnt Nishi Kumari and as such the petitioner deserves sympathetic consideration as co-accused Laxmi Sahani has already been allowed bail by another co-ordinate Bench of this Court to which learned APP duly assisted by learned counsel for the informant opposes by submitting that in the first information report there is allegation against the petitioner that she sprinkled kerosene oil.

In the facts and circumstances stated above, considering that during investigation name of other co-accused have transpired in burning the deceased and further considering that the petitioner is a lady, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri B. K. Singh, J. M. Ist Class, Darbhanga in connection with Manigachhi Nehra O. P. P.S. 264 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court

concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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