



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10492 of 2016

Arising Out of PS.Case No. -90 Year- 2015 Thana -SISWAN District- SIWAN

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1. USHA DEVI wife of Rajesh Bhagat, resident of Village Purushottam
Mura, P.S.- Siswan, District- Siwan.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

5 06-05-2016 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

Heard the learned counsel for the petitioner, the
learned A.P.P for the State as also the learned counsel for the
Informant.

The petitioner seeks bail in a case for the offences
punishable under sections 324, 326, 307 and 302 of the I.P.C

Allegedly, the petitioner after throwing kerosene oil
from the window set the room on fire resulting two daughters of
the informant were burnt to death and the informant became
seriously injured.



Submission is of false implication and that during investigation the allegation, as alleged, has not been found true, due to the earlier dispute the petitioner has been implicated, the witnesses, vide paragraphs- 39 and 40 of the case diary, have stated that the informant burnt herself and her two daughters and after completing investigation charge sheet was submitted under section 306 of the I.P.C along with other allied sections, during trial the informant has been examined as P.W.4 in Sessions Trial No. 90 of 2016 wherein she has turned hostile and did not support her earlier version and as such the petitioner being a lady, who is suffering in custody since 04.01.2016, deserves sympathetic consideration.

The learned A.P.P. and the learned counsel for the Informant fairly submit that it was the case of accidental burning.

In the facts and circumstances as stated above, the petitioner is directed to 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 Sri Sandeep Kumar, J.M.1st Class, Siwan in Siwan P.S. Case No. 90 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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