

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37944 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -RAMGARH District- BHABHUA (KAIMUR)

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Manju Devi, wife of Premchandra Gupta, resident of Pajrawan, P.S.- Nuon,
District- Kaimur at Bhabhua.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party : Mr. Amitesh Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-10-2016 Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with
Ramgarh (Nuon) P.S Case No. 88 of 2016 registered for the
offence punishable under Section 304B/34 of the Indian Penal
Code.

Laxmi Gupta, the daughter of the informant was
married to Santosh Gupta on 22.04.2016 and allegedly on
16.05.2016, Laxmi Gupta was found burnt and thereafter she was
brought at Buxar hospital with the petitioner and son-in-law of the
informant where she died during treatment. It is alleged that on
15.05.2016 Santosh Gupta and the petitioner have assaulted Laxmi
Gupta and thereafter they burnt her by sprinkling kerosene oil on

her body.

Submission is of false implication and during investigation Seema Devi, Dharamshila Devi, Kashinath Gupta and Sangeeta Yadav vide para 28, 29, 38 and 39 of the case diary have not supported the prosecution version and have stated that Laxmi Gupta burnt herself and on that date informant was present in that village, witness Radhika Devi, the mother of the deceased and Asha Devi, the sister-in-law of the deceased have not supported regarding any demand made by the petitioner or any one and , as such, no offence under section 304/34 of the Indian Penal Code is made out. The petitioner is old mother-in-law and without any fault she is suffering in custody since 17.05.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that the witnesses stated above have not supported the prosecution case.

In the facts and circumstances stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like

amount each to the satisfaction of the learned A.C.J.M., Kaimur at Bhabhua, in connection with Ramgarh (Nuon) P.S. Case No. 88 of 2016, 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 his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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