

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26830 of 2016

Arising Out of PS.Case No. -145 Year- 2013 Thana -SIDHWARA District- DARBHANGA

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Rani Devi, Wife of Sri Shyam Nandan Singh, resident of Village- Jogiara,
P.S.- Bahadurpur (Fekla O.P.) District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-12-2016 Heard both sides.

The petitioner seeks bail in Sessions Trial No. 492/2013, arising out of Singhwara P.S. Case No. 145 of 2013, registered under Section 307 and other sections of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added after the death of the informant Rupa Devi.

Rupa Devi alleged that it was the petitioner, who sprinkled Kerosene Oil on her body and ignited fire. She got extensive burn injuries but in the meantime her husband came and brought her to Singhwara Hospital from where she was referred to D.M.C.H., Darbhanga. Learned counsel for the petitioner submits that firstly the prayer for bail of the petitioner was rejected vide order dated 24.06.2014 passed in Cr. Misc. No. 16893/2014. Thereafter, again the prayer for bail of the petitioner was rejected



vide order dated 07.05.2015 passed in Cr. Misc. No. 8588/2015 with a direction to the trial to expedite the trial and conclude the same within one year and if the trial is not concluded, the petitioner may renew his prayer for bail. Learned counsel for the petitioner submits that the husband of the deceased stated in para 5 of the case diary that the petitioner had come to participate in the cremation of his mother and the petitioner had no concern with the alleged occurrence but it appears that the deceased before her death made statement before the police on the basis of which the F.I.R. was lodged and she made a very specific allegation that the petitioner sprinkled Kerosene Oil and ignited fire.

The offence is of very heinous nature. Considering the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail in Sessions Trial No. 492/2013, arising out of Singhwara P.S. Case No. 145 of 2013. Accordingly, the prayer for bail of the petitioner is once again rejected.

The petitioner is in jail since 18.10.2013 and there was a direction to the trial court to conclude the trial within one year and the trial judge has reported that only one witness was examined and it appears that the case was pending in the court of the 2nd Additional Sessions Judge, Darbhanga which remained



vacant for quite a considerable time and the record of the case was transferred to the court of the learned 4th Additional Sessions Judge, Darbhanga only on 28.11.2016 and, that is why, the trial could not have been concluded. Since the petitioner being a lady is in jail for more than three years, the trial court is directed to hold the trial on day-to-day basis and conclude the same within six months from the date of receipt / production of this order.

The Senior Superintendent of Police, Darbhanga is directed to ensure attendance of the non-examined prosecution witnesses of Sessions Trial No. 492/2013, arising out of Singhwara P.S. Case No. 145 of 2013 on the date fixed in the court of the learned Additional Sessions Judge IV, Darbhanga so that the trial must be concluded within six months.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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