

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10171 of 2017

Arising Out of PS.Case No. -169 Year- 2016 Thana -SHASTRINAGAR District- PATNA

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Pushpa Kumari @ Pushpa Prasad, wife of Shatrughan Prasad, resident of Mohalla- House No.A/5, A.G. Colony, Near Samudayik Bhawan, P.S.- Shastrinagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 26.07.2017

Though, the matter was directed to be listed

today due to acute illness of the petitioner, but the same could not be listed hence the matter has been notified today by the List and Computer Section.

Heard Mr. Y.V. Giri, learned senior counsel for the petitioner, Mr. Jitendra, learned counsel for the informant and Mr. J.N. Thakur, learned counsel for the State.

The petitioner being the mother of the husband of the informant-victim has renewed the prayer for bail in a case registered for the offences punishable under Sections 341, 342, 323, 326, 307 and 498A of the Indian Penal Code and sections 3/4 of Dowry Prohibition Act. Subsequently, sections 302 and 304B IPC were also added. The petitioner is languishing in



custody since 20.04.2016.

The prosecution case, as per fard-beyan of the informant, recorded at P.M.C.H. on 20.04.2016 at 9.40 A.M. by S.I. Anil Kumar is to the effect that the informant-victim, Supriya Sinha was used to be assaulted by her husband, Abhishek Kumar, mother-in-law (petitioner) and father-in-law, Shatrughan Prasad. On 20.04.2016, the husband along with the father-in-law and mother-in-law (petitioner) poured kerosene oil on the body of the informant, her husband and father-in-law caught hold of her and thereafter the petitioner lit the fire. The accused persons were not allowing the informant to come out of the house but on alarm being raised by victim nearby people gathered, saw the incident and informed the police. The police came and took the informant to P.M.C.H. The marriage was performed in the year 2013 but torture was being inflicted due to non-fulfillment of dowry demands.

It is submitted by learned senior counsel for the petitioner that the petitioner is an old lady and in 2015 she suffered fracture of vertebra in an accident leading to her being admitted in Medanta Hospital, New Delhi. At present, the petitioner is suffering from grade-4 renal failure with D.M., H.T.N., Hypothyroidism and undergoing dialysis at PMCH. In



support of the same, the report of Chief Medical Officer, Adarsh Central Jail, Beur, Patna, dated 16.01.2017, transmitted to the Superintendent, Adarsh Central Jail, Beur, Patna has been brought on record as Annexure-7. It is further submitted that the report of Chief Medical Officer, Adarsh Central Jail, Beur, Patna, dated 10.02.2017, transmitted to the Superintendent, Adarsh Central Jail, Buer, Patna reflects that since 01.12.2016, the petitioner could not be produced before the learned trial court due to grade-4 renal failure and anemia as she is unable to walk. Moreover, the charge has still not been framed. The husband of the petitioner has been granted bail by a Bench of this Court, vide order dated 30.01.2017, passed in Cr. Misc. No. 50993 of 2016. Statement to that effect has been made in paragraph 22 of the petition.

However, counsel for the informant submits that, though, there is specific accusation against the petitioner, but he is not controverting the medical condition of the petitioner and the contention of learned senior counsel for the petitioner that charge has not been framed as yet.

Considering the medical condition of the petitioner, advance age, period under custody and there is no likelihood of trial being concluded in near future, let the above named petitioner, be released on bail on furnishing bail bonds of



Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Shashtrinagar P.S. Case No. 169 of 2016.

(Dinesh Kumar Singh, J)

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