

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12534 of 2021

**Arising out of P.S. Case No. 440, year- 2019, Thana Hisua, District
Nawada**

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Sona Devi, Female, aged about 60 years, wife of late Deo Kumar Pandit @
Deo Kumar, R/O Village- Shri Rampur, P.S. Hisua, District Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Opp. Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned APP appearing for the State.

The present petition has been filed by way of second attempt at the behest of the petitioner for grant of regular bail in connection with S. Tr. No. 84 of 2020 arising out of Hisua P.S. Case No. 440 of 2019 for the offence punishable under Sections



304(B)/ 34 of the Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court by an order dated 02.07.2020 passed in Cr. Misc. No. 13040 of 2020.

The accused persons including the petitioner are stated to have sprinkled kerosene oil on the deceased victim lady and set her on fire resulting in the deceased victim lady receiving grievous burn injuries, whereupon she succumbed to her injuries at the emergency ward of PMCH, Patna. It is alleged that the accused persons had killed the deceased victim lady on account of non-fulfilment of the demand for dowry.

The learned counsel for the petitioner, Shri Ajay Kumar Sinha has submitted that the petitioner is the mother-in-law of the deceased victim lady, she is innocent, is having a clean antecedent and has been falsely implicated in the present case. It is further submitted that the FIR has been filed belatedly and in fact, the petitioner had taken suitable care to get the deceased victim lady treated properly, however, unfortunately she succumbed to her injuries. It is also submitted that the deceased victim lady had been married 12 years back and two sons were born out of the said wedlock. The learned counsel for the petitioner has

a charge-sheet has already been



filed in the present case and cognizance has also been taken as also the petitioner is languishing in custody since about 2 years i.e. since 22.10.2019 and there is no possibility of conclusion of the trial in near future, hence this court may take sympathetic view of the matter, especially in view of the prevailing Covid-19 pandemic situation.

This Court had called for a report from the Superintendent of Police, Nawada which has been submitted before this Court and is dated 05.04.2021, wherein it has been stated that earlier the charge sheet was submitted under Section 306/34 of the Indian Penal Code, however, an amendment petition has been filed before the learned court of CJM, Nawada for adding section 302/34 of the Indian Penal Code in the charge sheet in place of section 306/34 of the Indian Penal Code. The Superintendent of Police, Nawada has further given details of the investigation conducted and has also stated that as far as the petitioner is concerned, the investigation is complete.

Per contra, Shri Ashok Kumar, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that since the prayer of the petitioner for grant of bail has already been rejected by this Court, no fresh consideration is required.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and having gone through the materials on record, though this Court is of the view that serious charges have been levelled against the petitioner, however, considering the fact that the husband of the deceased victim lady i.e. the son of the petitioner is in custody and the petitioner is languishing in custody since about two years as also the charge sheet has been filed and the investigation is complete qua the petitioner herein, this Court is persuaded to take a sympathetic view of the matter, considering the prevailing situation on account of COVID 19 Pandemic, hence this Court deems it fit and proper to direct for release of the petitioner on regular bail, however, subject to her furnishing an undertaking before the Ld. Court below to the effect that she would appear before the learned court below on each and every date so fixed by the learned court below, in the ongoing case and in default thereof the present privilege of regular bail being extended to the petitioner shall stand revoked.

Accordingly, the petitioner, above-named is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learneds A.D.J. VI. Named in connection with S. Tr. No. 84 of



2020, arising out of Hisua P.S. Case No. 440 of 2019.

(Mohit Kumar Shah, J)

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