

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22503 of 2021

Arising Out of PS. Case No.-280 Year-2020 Thana- NATHNAGAR District- Bhagalpur

BULBUL DEVI W/O RATAN KUMAR MANDAL @ RATAN MANDAL
R/o village- Bhatoria, P.S.- Madhusudanpur (Nathnagar), District- Bhagalpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Manoj Kumar Jha, Advocate.
For the State : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 06-12-2021 The applicant/accused in Crime No.280 of 2020 registered with Police Station- Nathnagar (Madhusudanpur) for the offences punishable under Sections 302, 307 read with Section 34 of the Indian Penal Code by this application is seeking her release on bail.

Heard learned counsel appearing for the applicant/accused. He argued that the F.I.R. itself shows that the victim Dulari Devi has not seen the incident. He further argued that the applicant is having a small child with her in jail and, therefore, on completion of investigation, she needs to be released on bail.

Learned Prosecutor opposed the application.

The crime in question is registered on the basis of the F.I.R. lodged by Dulari Devi. She averred that in the morning of 16.05.2020 when she along with her daughter Puja Kumari,



aged about 8 years (since deceased), were sleeping in the new house of her husband, the applicant Bulbul Devi along with co-accused Vikash Mandal came, sprinkled kerosene on their persons and set them ablaze. It is further averred that when she became awake she saw that she is burning. In the morning, she disclosed about the incident to her husband. Because of this incident, it is reported that Puja Kumari succumbed to burn injury.

What weight should be given to the version of the first informant Dulari Devi is a question which is required to be answered at a time of the conclusion of the trial. At the pretrial stage, version of the first informant cannot be weighed. Suffice to state that Puja Kumari is reportedly died because of burns and the autopsy surgeon opined that the burn suffered by the deceased was sufficient and dangerous to life in ordinary course of nature to cause death. The version of the first informant Dulari Devi gets corroborated. That apart, she is also an injured victim.

In this view of the matter, no case for bail is made out. The application is rejected.

It is reported that the trial has commenced.

In this view of the matter, the learned trial court should



expedite the trial keeping in mind the fact that a child is with the applicant in the jail. Endeavour shall be made to comply the order within a period of six months. Needless to mention that the observations made in this order are prima facie in nature and shall have no bearing on the going trial.

(A. M. Badar, J)

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