

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18468 of 2021

Arising Out of PS. Case No.-62 Year-2016 Thana- JADOPUR District- Gopalganj

Uma Devi, W/O Late Fagu Ram, R/o village- Babu Bishunpur, P.S.- Jadopur,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 21-01-2022 The applicant/accused in Sessions Trial No. 152 of 2020 registered on the basis of Crime No. 62 of 2016 with Jadopur Police Station for the offences punishable under Sections 323, 326, 307, 379, 498A and 304B of the Indian Penal Code as well as Section 3/4 of the Dowry Prohibition Act, by this application is seeking her release on bail during course of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that while rejecting the earlier bail application on 23.06.2020 passed in Criminal Misc. No. 17504 of 2020 by a coordinate Bench of this Court granting liberty to renew her prayer for bail if the trial is not concluded within a period of five months. It is further argued that condition of the applicant who is lady is not well and she is



languishing in jail for a period of more than two years.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.

The FIR lodged by Mamta Devi, after her death becomes her dying declaration. In this officially recorded by dying declaration of Mamta Devi, she has averred that her mother-in-law, i.e., the present applicant had assaulted her and had pored an oil from the lamp on her person and set her ablaze. Subsequently, Mamta Devi died because of burn injuries. I have failed to understand how in the wake of this dying declaration of Mamta Devi attributing role to the applicant in her incineration, the charge sheet could have been filed for the offence punishable under Section 304(B) of the Indian Penal Code.

Considering the averments made made in the dying declaration of deceased Mamta Devi recorded officially by the Investigating Officer, no case for grant of bail to the applicant/accused is made out. Accordingly, the present application is rejected.

However, the jail authorities are directed to give



proper medical treatment to the applicant if she is suffering from any ailment.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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