

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62475 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- KHARIK District- Bhagalpur

JAI MALA DEVI W/o Bigo Kapari @ Bigan Kapari @ Bigo Yadav R/o
village- Tulsipur, P.S.- Kharik, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 24.05.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that on 02.05.2021, she received secret information that eight accused persons including the petitioner sprinkled kerosene oil on her daughter who was carrying her two year old child and set them ablaze. It is further alleged that they were taken to the hospital from where accused persons



fled, further the informant reached the hospital and saw the burn injuries suffered by her daughter who died on 03.05.2021 during the course of treatment. It is further alleged that the granddaughter had already died on the date of occurrence itself.

Learned counsel for the petitioner submits that the informant is not an eye-witness to the occurrence, the petitioner is aged about 65 years and is mother-in-law of the deceased. It is further submitted that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant herself has stated that the accused persons had taken her daughter to hospital from where they fled and the deceased died on the next day of the date of occurrence. It is thus submitted that the deceased out of anger committed suicide along with her child as she had some altercation in the family. Learned counsel submitted that no grand mother would set ablaze her grand child and also that the fact that the deceased was taken to the hospital that in itself demonstrates that the accused never had the intention to conceal the occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted



in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kharik P.S. Case No. 79 of 2021.

(Satyavrat Verma, J)

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