

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18951 of 2015

Arising Out of PS.Case No. -34 Year- 2014 Thana -KASIMBAZAR District- MUNGER

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Sabita Devi, Wife of Late Pappu Mandal, resident of Village - Naki, P.S.
Haveli Kharagpur, Distt - Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramakant Sharma, Sr.Adv.
Mr. Kumar Kamal Nayan

For the Opposite Party/s : Mr. (Dr.) Ravindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 06-05-2015

Heard the parties.

The prayer for bail of the petitioner was earlier rejected by an order dated 22.09.2014 (Annexure-1) passed in Cr.Misc.No.23063 of 2014 and other analogous cases with an observation that, if the trial of the petitioner is not concluded within a period of six months, then she shall be at liberty to renew her prayer for bail.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is in judicial custody since 25.04.2014 i.e. more than one year, yet her trial has not concluded despite the observations and directions made earlier by the aforesaid order dated 22.09.2014 (Annexure-1). It is further contended that, though two PWs have been examined by the prosecution, but both of them have been declared hostile.

Learned Addl.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant, though have opposed the prayer, but have not been able to dispute the aforesaid

submissions made on behalf of the petitioner.

In above view of the matter, the prayer for bail is allowed.

The petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of the learned Adhoc Additional District and Sessions Judge-3rd, Munger in connection with Session Trial No.885 of 2014, arising out of Kasim Bazar P.S. Case No.34 of 2014, subject to the conditions that:

- (a) Both the bailors shall be government servant
- (b) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (c) the petitioner shall make regular pairvi in the court below in the present case either by appearing herself in person or through representation by her lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Arvind/-

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