

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42317 of 2012

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Rita Devi, W/O Prem Patel, Resident Of Village- Gulariya, P.S- Gopalpur,
District- West Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Kamta Patel, S/O Ramdeo Patel, Resident of Village- Gulariya, P.S-
Gopalpur, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar , Advocate

For the Opposite Party/s : Mr. J.Upadhayay (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 16-04-2015 The petitioner herein figured as accused in Trial No.172
of 2012 on the file of Judicial Magistrate, Bettiah, West
Champaran, wherein offence punishable under Sections 341, 323,
324, 504, 379 read with Section 34 of the I.P.C. was alleged.
However, cognizance of the offence under Sections 323 and 341
I.P.C. was taken against her. She filed an application under
Section 205 Cr.P.C. with a prayer to dispense with her presence
during the trial. The same was dismissed, through order dated
12.9.2012. Hence, this petition under Section 482 of the Cr.P.C.

The only allegation against the petitioner is referable to
the provisions of Sections 323 and 341 I.P.C. It is just not
understandable as to how and why the presence of the petitioner is
inevitable in that case, particularly when the petitioner is a

woman. Further, it is not known as to whether the case is still pending trial.

The miscellaneous application is allowed and the order dated 12.9.2012 is set aside. It is ordered that in case Trial No.172 of 2012 is still pending, presence of the petitioner shall not be treated as essential.

(L. Narasimha Reddy,CJ)

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