

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29132 of 2015

Arising Out of PS.Case No. -75 Year- 2013 Thana -DULHIN BAZAR District- PATNA

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Baby Devi @ Chintamani Wife of Shyam Nandan Singh, Resident of
Village - Rakasiya, P.S. - Dulhin Bazar, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambarish Kumar
Mr. Jagjit Roshan

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

For the Informant : Mr. Ashok Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 23-09-2015

Heard the parties.

The prayer for bail of the petitioner with respect to a criminal prosecution registered under Sections 302, 201/34 of the Indian Penal Code was earlier rejected by order dated 21.05.2014 passed in Cr. Misc. No. 12249 of 2014 (Annexure-3) with an observation that if the trial of the petitioner is not concluded within a period of one year from the date of receipt/production of a copy of that order, then she shall be at liberty to renew her prayer for bail.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is a lady having a child in her lap and she is in judicial custody since 20.05.2013 i.e. for more than two years. It is further pointed out that despite the orders and directions issued by this Court by aforesaid order dated 21.5.2013 (Annexure-3), trial of the petitioner has not been concluded as yet.

Learned Additional Public Prosecutor appearing on behalf of the State and the learned counsel appearing on behalf of the informant though have opposed the prayer for bail of the petitioner, but could not dispute the aforesaid submissions.

In the facts and circumstances particularly taking into consideration the period of incarceration as also the observations made by this Court by the aforesaid order dated 21.05.2014, 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 A.D.J., II, Danapur, Patna in connection with Dulhin Bazar P.S. Case No. 75 of 2013 giving rise to Sessions Trial No. 1148 of 2013, subject to the conditions that:

- (A) One of the bailors shall be the father of the petitioner,
- (B) Other bailor shall be either her mother or her full brother,
- (C) 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 the 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 an opportunity of hearing to all concerned and
- (D) 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 dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

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