

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13365 of 2016

Arising Out of PS.Case No. -317 Year- 2009 Thana -DANAPUR District- PATNA

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1. Tunni Devi wife of Harinandan Chaudhary resident of village - Amhara,
P.S. - Bihta, District - Patna at present resident of Nayatola Saguna, P.S.-
Danapur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh

For the Opposite Party/s : Mr. P.N.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 31-08-2016

Heard both sides.

The petitioner seeks bail in Danapur P.S. Case No. 317 of 2009 giving rise to Sessions Trial No. 70 of 2013/Trial No. 476 of 2015 registered for the offence punishable under sections 498 A & 307 of the Indian Penal Code, later on Section 304(B) of the Indian Penal Code was added now pending in the court of the learned Additional Sessions Judge VII, Danapur, Patna.

The prayer for bail of the petitioner was twice rejected earlier by this Court.

It is submitted that the husband of the deceased, namely, Mukesh Kumar Chaudhary was convicted and he has been admitted to bail in Criminal Appeal (S.J.) No. 353 of 2014 by order dated 06.05.2015. The petitioner is a lady and she is in custody since 15.03.2012 i.e. she has already remained in jail for more than four years.

It appears that the petitioner was not initially appearing in the court and she was arrested only in the year 2012

and, therefore, her case was separated from her son, the husband of the deceased. From perusal of the report of the learned trial court it appears that five witnesses have already been examined and only the Doctor, I.O. and the informant are to be examined.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. This application for bail is, accordingly, rejected.

The trial court is directed to expedite and hold the trial of the petitioner on day to day basis so that the trial is concluded within six months from the date of receipt/production of a copy of this order. However, if the trial is not concluded within the period aforesaid, the petitioner may renew her prayer for bail after six months.

The Senior Superintendent of Police, Patna is directed to ensure the attendance of the informant, Doctor and the I.O. of Session Trial No. 70 of 2013 arising out of Danapur P.S. Case No. 317 of 2009 on the date fixed in the case now pending in the court of the learned Additional Sessions Judge VII, Danpur so that the trial must be concluded within six months.

(Prabhat Kumar Jha, J)

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