

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53142 of 2018

Arising Out of PS.Case No. -320 Year- 2016 Thana -DARIYAPUR District- SARAN

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Sunaina Devi Wife of Krishna Prasad Yadav Resident of Village Akbarpur,
Police Station- Dariyapur, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the 3rd round of litigation. Petitioner had earlier moved for bail which was rejected on 09.10.2017 passed in Cr. Misc. No. 39697 of 2017. Again the petitioner moved for bail which was also rejected on 11.04.2018 passed in Cr. Misc. No. 14130 of 2018.

Petitioner is languishing in judicial custody since 10.01.2017 in connection with Sessions Trial No. 315 of 2017 arising out of Dariyapur P.S. Case No. 320 of 2016 for offences punishable under Sections 302/201/120B of the Indian Penal Code.

The prosecution case, as lodged by the informant, is



that while she was at her parental house, she received information from the petitioner who is her husband's 2nd wife (sautan) that her son Dipak Kumar had gone to fetch her but he was killed and his body was disposed off.

It has been submitted by the learned counsel for the petitioner that she is innocent, bears no criminal history and just because the petitioner is the sautan of the informant, she has been roped in the alleged murder. He further submits that there is no eye witness to the alleged occurrence and on the last occasion while rejecting bail it was on a report that four witnesses out of seven witnesses had been examined and trial was to conclude within three months but trial has not yet concluded and the petitioner is languishing in judicial custody since more than one year eight months. Learned counsel for the petitioner submits that the petitioner would cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the petitioner being a lady and trial has not yet concluded, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



2nd Additional District and Sessions Judge, Chapra, District-Saran
in connection with Sessions Trial No. 315 of 2017 arising out of
Dariyapur P.S. Case No. 320 of 2016, subject to the conditions
that:

- (1) One of the bailors would be a close relative of the
petitioner having sufficient immovable property, who will
file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below
during trial as and when required and failure to appear on
two consecutive dates without assigning any reason will
entail cancellation of her bail bonds.

(Nilu Agrawal, J)

Devendra/-

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