

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39178 of 2018

Arising Out of PS.Case No. -62 Year- 2017 Thana -KANKARBAGH District- PATNA

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1. Bibiya Devi @ Babiya Devi, wife of Kalu Chauhan, resident of Village/Mohalla -Lohiyanagar, Near Gayatri Mandir Jhoparpatti, Police Station- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 08-08-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **S. Tr. No.112 of 2018** arising out of **Kankarbagh P.S. Case No.62 of 2017** instituted for the offence under Section(s) 302/34 Indian Penal Code.

Prayer of the petitioner for grant of regular bail was earlier rejected by this Court by order dated 21.07.2017 passed in Cr. Misc. No.31258 of 2017 with direction to the Trial Court to expedite the trial and conclude the same as early as possible, preferably, within a period of nine months from the date of receipt of the order.

Petitioner has renewed the prayer on the ground that trial has not been concluded as yet. A report was called for from



the Court below, which has been received. The Court below has mentioned in the report that Charge was framed on 02.05.2018 and the case is pending for prosecution evidence for which summons and bailable warrant of arrest has been issued.

Counsel for the petitioner submits that petitioner is a lady. There is no allegation of any specific overt act against the petitioner. It has further been submitted that co-accused, Kaushalya Devi, against whom there was allegation of having illicit relationship with the deceased, has already been granted regular bail by a coordinate Bench of this Court by order dated 04.04.2018 passed in Cr. Misc. No.17792 of 2018 on the ground of delay in conclusion of trial.

From the report of the Court below, this Court finds that after passing of the order dated 21.07.2017 in Cr. Misc. No.31258 of 2017, there was no seriousness on the part of the Trial Court to dispose of the case of the petitioner expeditiously. The Trial Court has framed Charge in this case on 02.05.2018 after about ten months, whereas, order was passed by this Court on 21.7.2017, directing the Trial Court to expedite the trial.

This Court finds that even after direction of this Court, the Court below did not take serious steps to dispose of the case expeditiously although the accused was in custody.



There are several directions from administrative side of this Court to dispose off the case on priority basis where the accused persons are in custody. But conduct of Trial Court shows lack of proper interest on the part of Officer concerned to dispose of the case expeditiously, even after specific direction of this Court.

It is submitted that petitioner is in custody since 18.02.2017. This Court does not feel it proper to keep the petitioner in custody further in view of such attitude on the part of Trial Court. The petitioner is a lady.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge, 1st, Patna**, in connection with **S. Tr. No.112 of 2018 arising out of Kankarbagh P.S. Case No.62 of 2017**, subject to the condition that both bailors shall be close relative of the petitioner.

The petitioner will remain physically present on each and every date of trial and will cooperate in the trial. The petitioner will not hamper the trial or intimidate the witnesses. Absence of the petitioner on two consecutive dates without any reasonable cause will amount to cancellation of bail bond of the



petitioner.

Let this order be communicated to the Court
concerned.

JA/-

(Sanjay Priya, J)

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