

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14130 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 (Chapra).

.... 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 Harendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-04-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

This is the second round of litigation. Earlier the
prayer for bail was rejected vide order dated 09.10.2017 passed in
Cr. Misc. No. 39697 of 2017.

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 Maik, she was informed by the
petitioner who was her sautan that her son Dipak Kumar



(deceased) had gone to pick her up but later on he was found killed and his body has been disposed off.

It has been submitted by the learned counsel for the petitioner that she is innocent and has falsely been implicated in the aforesaid case. He submits that there is no eye witness to the alleged occurrence and earlier prayer for bail was rejected with direction to the learned court below to expedite the trial but till now trial has not concluded hence, the petitioner be enlarged on bail.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that during course of investigation the name of the petitioner surfaced who had connived with another co-accused Dinesh Kumar for committing the said offence.

A report has been received from the court of the learned 2nd Additional Sessions Judge, Saran at Chapra as called by him who has stated that four witnesses have already been examined out of seven and trial is likely to be concluded within three months.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Sessions Trial No.



315 of 2017 arising out of Dariyapur P.S. Case No.320 of 2016, pending in the court of learned 2nd Additional District and Sessions Judge, Chapra, District-Saran.

The application is, accordingly, rejected. However, the petitioner may renew his prayer for bail after three months, if trial is not concluded by that time.

(Nilu Agrawal, J)

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