

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61262 of 2018**

Arising Out of PS. Case No.-227 Year-2016 Thana- RAJAON District- Banka

Sarita Devi, W/o Sunil Yadav, R/o village Chitkaur Dumariya, P.S. - Rajaun,
District – Banka (Bihar).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal
For the Opposite Party/s : Mr.Sri Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 05-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking regular bail in connection with S.T. No. 345/2017 arising out of Rajaun P.S. Case No. 227/2016 registered under Sections 147, 149, 314, 323, 324, 307 of the Indian Penal Code and Section 302 of the I.P.C., pending in the court of learned Additional Sessions Judge – 1, Banka (Bihar).

Earlier, the petitioner had moved this court in Cr. Misc. No. 38645/2017 which was rejected taking note of the submissions of the learned Additional Public Prosecutor that the petitioner had given the fatal blow on the head of the deceased by pot (*Lota*) which caused injury and ultimately the victim died. Learned counsel for the petitioner submits that in this case the alleged occurrence had taken place on 09.06.2016 whereas



the F.I.R. was lodged on 15.06.2016. It is submitted that the victim died 45 days after the alleged occurrence. Learned counsel further submits that the petitioner is a lady and is languishing in jail for a little more than two years by now. In the meantime at least six prosecution witnesses have gone hostile and all the co-accused have been granted privilege of regular bail vide orders present at Annexure P-3 and P-3/A in Cr. Misc. No. 32085/2018 and Cr. Misc. No. 49675/2018.

Learned A.P.P. for the State is present. The fact that six prosecution witnesses have gone hostile has been admitted in course of hearing. The chemical analysis report has been produced in a closed enveloped which has been opened and perused.

Considering the facts and circumstances of the case wherein the petitioner has remained in custody for two years and at least six witnesses out of nine charge-sheet witnesses have gone hostile, Le the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – 1, Banka (Bihar), in connection with S.T. No. 345/2017 arising out of Rajaun P.S. Case No. 227/2016, subject to condition that she



will cooperate in completion of trial by attending in course of trial on the date fixed in the matter. The two consecutive failure to appear in course of trial shall invite cancellation of the bail and the prosecution will take appropriate steps for the same.

The application stands disposed of accordingly.

Let the report be kept in the closed envelope and sent to the court below immediately.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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