

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 72508 of 2018

Arising Out of PS. Case No.-236 Year-2016 Thana- Belhar District- Banka

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Kajal Devi Wife of Karu Choudhary, Resident of Village – Ghogha, P.S.
Belhar, District – Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 23-01-2019 Heard Sri Sanjay Kumar Jha, learned counsel for
the petitioner and Sri Akshay Lal Pandit, learned Addl. Public
Prosecutor.

This is the 2nd attempt for grant of bail on behalf of
the petitioner in Belhar P.S. Case No. 236 of 2016 registered
for offence under Sections 328, 302/34 of the Indian Penal
Code.

Earlier, by order dated 16-11-2017 in Cr. Misc. No.
55286 of 2017, the prayer for bail of petitioner was rejected.
Thereafter, the present bail petition was filed and on
02-01-2019, a report was called for from the court below
regarding stage of the case.

Learned counsel for the petitioner submits that
ofcourse, on merit, the prayer for bail of petitioner was already



rejected, but the petitioner is in custody from 24-08-2017 and till date, not even single witness has been examined. It has been argued that it is a fit case for granting bail.

Learned Addl. Public Prosecutor has opposed the prayer for bail.

Besides hearing, I have perused the report of the court below, kept at flag 'X' i.e. letter no. 18 dated 19-01-2019 sent by the Trial Judge. The report makes it clear that despite the fact that charge in the case was framed in the month of May, 2018, till date of report, not even single witness was produced by the prosecution.

Fact remains that petitioner is in custody since 24-08-2017 and is a lady and as such, without any expeditious trial, the petitioner may not be detained further.

Let the petitioner namely Kajal Devi 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 Sri A.K.Gupta, learned A.C.J.M.-III, Banka in connection with Belhar P.S. Case No. 236 of 2016 with condition that (i) one of the bailor must be blood relation of the petitioner and (ii) she shall remain present on each and every date of evidence before the court below. If without prior permission, continuously on



three dates, petitioner remains absent, her bail-bond shall stand
automatically cancelled.

(Rakesh Kumar, J.)

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