

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71506 of 2019

Arising Out of PS. Case No.-236 Year-2017 Thana- SAKRA District- Muzaffarpur

Kavita Kumari @ Kumari Kavita @ Kavita Kumar, aged about 22 years, (Gender- Female) Wife of Late Abhishek Kumar, Resident of Village - Kanahuli, Bawan Bigha, Road no. 04 B, P.S.- Mithanpura, District - Muzaffarpur at Present D/o Harendra Kumar of Village - Muraul, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Rakesh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-05-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Sakra PS Case No. 236 of 2017 dated 29.06.2017 instituted under Sections 302 and 120B/34 of the Indian Penal Code.

4. The petitioner, who is the wife of the deceased, is the sole chargesheeted accused and the allegation is that she had poisoned the deceased.



5. Earlier such prayer was rejected by a co-ordinate Bench on 02.02.2018 in Cr. Misc. No. 60457 of 2017 and again on 06.03.2019 in Cr. Misc. No. 7823 of 2019. In both the cases, the Court had observed that the trial be concluded preferably within six months. However, in the application it has been stated that without any fault on the part of the petitioner, the trial has not been concluded and out of 9 witnesses, only 7 witnesses have been examined and the IO has also not been examined. It has also been stated in the application that none of the witnesses examined have stated anything which connects the petitioner to the alleged crime. It was further submitted that during incarceration, the petitioner has given birth to a female child on 29.01.2018, who is also living in prison and she is in custody since 29.06.2017.

6. Learned counsel submitted that for no fault on the part of the petitioner, the trial has not been concluded and because of the current situation, there is little chance of the trial being concluded in the near future.

7. Learned APP submitted that the allegation is serious as the petitioner being the wife had administered poison. It was stated that in the forensic examination, it has been found that the deceased died due to poisoning.



8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 14th Additional District and Sessions Judge, Muzaffarpur in Sakra PS Case No. 236 of 2017, subject to the condition that the petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of her bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar / Anand Kr.

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