

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17462 of 2021

Arising Out of PS. Case No.-69 Year-2019 Thana- KANTI District- Muzaffarpur

SANGEETA DEVI Wife of Birendra Sahani Resident of Village- Kolhua
Paigamberpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtyunjay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Dilip Kumar no. 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, unknown criminals shot dead the wife of the informant.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The name of the petitioner transpired in course of investigation in the confessional statement of accused Manzoor Alam who has himself been enlarged on bail vide order dated 15.3.2021 passed in Cr. Misc. no. 40554 of 2020. It is submitted that the earlier application for bail of the petitioner was rejected on three



occasions vide orders dated 21.5.2019, 21.8.2019 and 19.2.2020 (Annexure 1 series). It is submitted that by the last order dated 19.2.2020 liberty was granted to the petitioner to renew her prayer for bail if the trial is not concluded within a period of six months. It is submitted that inspite of 1 year 7 months having passed since the said order, the trial is still going on and there is no chance of the same concluding in the near future. The petitioner is in custody since 22.2.2019 and has no criminal antecedent. She undertakes to co-operate in the trial.

Heard learned APP for the State.

A report was called for from the learned trial Court. From the report contained in letter dated 20.9.2021 it transpires that five prosecution witnesses were examined between 25.9.2019 to 19.11.2019. No witness has been examined since then. Four more witnesses remain to be examined.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the contents of the report, the period in custody and the liberty granted to the petitioner vide order dated 19.2.2020, the Court directs the petitioner to be enlarged on bail in connection with Kanti P.S. Case no. 69 of 2019 (Sessions Trial no. 377 of 2019) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the learned 15th Additional Sessions Judge, Muzaffarpur.

It is further directed that the petitioner shall remain physically present in Court on each date and cooperate in the trial and in case of the petitioner's absence on any date for reasons not to the satisfaction of the learned trial Court or her non-cooperation, the learned trial Court will be at liberty to cancel the bail bond of the petitioner and take her into custody till conclusion of the trial.

(Partha Sarthy, J)

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