

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33350 of 2021

Arising Out of PS. Case No.-286 Year-2018 Thana- UJIYARPUR District- Samastipur

REKHA DEVI W/o Late Ganesh Chaurasiya R/O Village - Pataili Hat, P.S. -
Angarghat. At Present R/o Village - Lakhua pataili, P.S. - Angarghat, Dist. -
Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-11-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 368 of 2019 arising out of Ujiyarpur P.S.

Case No. 286 of 2018 instituted for the offences under

Sections 302/34 of the Indian Penal Code.

The petitioner is the wife of the deceased.

She is in custody since 09.02.2019

The prayer for bail of the petitioner was earlier

rejected vide order dated 14.08.2020 passed in Cr. Misc.

No. 5049 of 2020.

The petitioner is sought to be prosecuted in



this case on the basis of confession of one Rambabu Paswan, who is said to be her paramour. The other evidence against her is the C.D.R. which indicates that she had a talk with one Krishna Kumar Paswan.

Thus, the accusation against the petitioner is based solely on suspicion.

The so called paramour of the petitioner has been granted bail by a Bench of this Court vide order dated 26.07.2021 passed in Cr. Misc. No. 72072 of 2019.

The learned counsel for the petitioner has submitted that because the father-in-law of the petitioner was not happy with her, therefore, he has lodged this case against her on suspicion.

While rejecting the prayer for bail of the petitioner, this Court had given liberty to her to approach the Trial Court if the trial is not concluded within six months.

After six months of time when the trial was not concluded, the petitioner had approached the Court below. From the order passed by the Trial Court, it appears that upto now, only three witnesses have been examined and



further examination of witnesses could not be conducted because of Corona pandemic. The Trial Court also is vacant for all this while.

It further appears from the order of the bail of co-accused Rambabu Paswan, referred to above that these two grounds have been taken into account for granting him bail by holding that there does not appear to be any possibility of the trial being concluded in near future.

Regard being had to the afore-stated facts and the gender of the petitioner as well as the period of custody and the little possibility of the trial being concluded in near future, she is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Dalsinghsarai, Samastipur in connection with Sessions Trial No. 368 of 2019 arising out of Ujiyarpur P.S. Case No. 286 of 2018 subject to the following conditions:-

- (i) The petitioner shall participate in the trial on daily basis, failing which the bail



granted to the her shall be liable to be
cancelled.

(ii) One of the bailors shall be the own
brother of the petitioner.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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