

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3545 of 2021

Arising Out of PS. Case No.-47 Year-2019 Thana- KHAGARIA District- Khagaria

RUBI DEVI Wife of Late Deepak Kumar Resident of Village - Bhagat Tola,
Mathurapur, P.S. and District - Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with S. Tr. No. 162 of 2019 arising out of Khagaria P.S. Case No. 47 of 2019 registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected by this Court considering the materials available against her. This court has also taken note of the allegations that petitioner was in contact with her devar who is co-accused namely Avinash Kumar and whose complicity has also transpired in the confessional statement of the petitioner.

In the present case this Court had earlier called for a report from the learned trial court as to present stage of the trial



and the time likely to be taken in the conclusion thereof. The trial court's report is at Flag 'A' contained in Letter No. 36 of 2021 dated 06.02.2021. According to it, there are total nine witnesses out of which three public witnesses have been examined. For appearance of the rest witnesses including five officials witnesses (three doctors and two I.Os.), summons have been issued on 19.01.2021. The trial court has taken a view that the disposal of the case is likely to take three months time.

The report called from the Superintendent of Police, Khagaria shows that the co-accused Avinash Kumar is still absconding. Now he has been declared proclaimed offender and proclamations have been issued against him by the learned trial court.

It is the contention of the learned counsel for the petitioner that family members of the deceased who are in-laws of this petitioner are delaying the trial as they are helping the co-accused Avinash Kumar who is full brother of the deceased. It is for this reason that the trial has been delayed.

Learned A.P.P. for the State is present. He has opposed the prayer for bail of the petitioner. It is submitted that in view of the learned trial court's report, three months time may be granted to the learned court below to conclude the trial.



Having regard to the facts and circumstances of the case, wherein this Court had earlier rejected the prayer for bail of the petitioner for the reasons stated in the order dated 16.01.2020 passed in Cr. Misc. No. 78510 of 2019 and upon finding as of now that only five official witnesses are required to be examined which will be done in a reasonable period, this Court is not inclined to grant bail to the petitioner.

It should, however, not be construed as granting any indulgence to the prosecution to delay the trial. Prosecution must cooperate in conclusion of trial by producing all the official and non-official witnesses on the dates fixed in the matter. The trial court would be expected to conclude the trial in terms of its own information furnished in the letter kept at Flag 'A'.

If the trial remains unconcluded for no fault on the part of the petitioner, she may renew her prayer for bail after three months.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

