

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7169 of 2021**

Arising Out of PS. Case No.-49 Year-2010 Thana- KHIJARSARAI District- Gaya

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GIRJA DEVI WIFE OF KANHAIYA CHOUDHARY @ KANHAIYA LAL
R/O VILLAGE- MILKI, P.S.- KHIZARSARAI, DISTRICT- GAYA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate
For the Opposite Party/s : Mr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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 Khizarsarai P.S. Case No. 49 of 2010 registered for the offences under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, informant got information on 27.02.2010 that his bhagina (Suraj Kumar @ Tengwa) was poisoned to death by his step-mother. It is alleged that after death of informant's sister, his brother-in-law performed second marriage with one Girja Devi (petitioner) and they used to torture the

elder son (deceased) born from the informant's sister.

Learned counsel for the petitioner submits that this petitioner is a lady and she has got three children, therefore, her prayer for bail should be considered sympathetically.

Learned A.P.P. for the State has pointed out that this case is of the year 2010 and as per the prosecution story, the petitioner being the step-mother was not providing food to the deceased sister's son of the informant and this petitioner alongwith her husband administered poison to the eldest son of the deceased sister of the informant as a result whereof he died.

Learned A.P.P. further points out that in the viscera report it has come that the boy died due to consumption of celphos. This petitioner has been arrested after she was declared absconder and process under Section 82-83 Cr.P.C. had been exhausted.

Considering the facts and circumstances of the case wherein there is specific allegation against the petitioner that she had in fact killed the deceased sister's son of the informant by administering him poison and the viscera report of the deceased boy is corroborating the allegation, in addition to that the petitioner was absconding in this case for about ten years despite exhaustion of all processes by the court, this Court is not

inclined to release the petitioner on bail at this stage.

Let the trial be conducted expeditiously and be concluded as early as possible preferably within a period of one year from the date of start of normal functioning of the court. The prosecution must cooperate by bringing all the witnesses on the dates fixed in the matter. If the trial remains unconcluded during this period for no reason attributable to the petitioner, she may renew her prayer for bail.

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'.