

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60960 of 2021**

Arising Out of PS. Case No.-625 Year-2017 Thana- KISHANGANJ District- Kishanganj

LILA DEVI @ LEELA DEVI W/O RANJEET PASWAN R/o village-
Kharibasti, Daula, P.S.- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 01-12-2021 The present petition, at the behest of the petitioner, is by way of third attempt in connection with Kishanganj P.S. Case No. 625 of 2017 (S.T. No. 155 of 2018) for the offence registered under Sections 363, 365, 302, 201, 379 and 411/34 of the Indian Penal Code inasmuch as on the earlier occasions, the prayer of the petitioner for grant of bail has been rejected by this Court.

The allegation is regarding the deceased having gone for collection of money on the alleged date and time of occurrence and thereafter his mobile could no be accessed after 1:30 in the afternoon. The deceased is stated to be carrying one tablet, one printer and a sum of Rs. 82,000/- as well as he was driving a motorcycle.

The learned counsel for the petitioner has submitted that the petitioner is a lady, has been roped in the present case



merely on the confessional statement of her husband and is languishing in custody since 25.11.2017. It is further submitted that almost five years have elapsed since the petitioner is languishing in custody and moreover the main accused, if any, might be her husband who is also behind bars. Thus, it is submitted that no prejudice would be caused to the prosecution inasmuch as the investigation is over, charge sheet has been filed and the trial is going on as also the main accused i.e. her husband is in custody, if the privilege of bail is granted to the petitioner.

Per contra, learned A.P.P. for the State Shri Surendra Prasad Singh has vehemently opposed the prayer for bail, however, he has not denied the fact that the petitioner is languishing in custody since five years and there is no chance of the trial being concluded in near future.

I have heard the learned counsel for the parties and have perused the materials on record as also have gone through the report submitted by the Additional District & Sessions Judge-2nd, Kishanganj dated 24.11.2021 wherein it has been submitted that six prosecution witnesses are yet to be examined and it would take some time before the trial is concluded. This Court finds from the record that the husband of



the petitioner is already in custody and the trial is going on, hence no prejudice would be caused to the prosecution if the petitioner is granted bail, however, with certain conditions especially in view of the period of incarceration of the petitioner herein and the dim chance of the trial being completed in near future.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Kishanganj in connection with S.T. No. 155 of 2018 arising out of Kishanganj P.S. Case No. 625 of 2017.

It is needless to state that the petitioner shall be present on each and every date so fixed by the learned trial court in the on going trial and in the event of default in putting appearance even on one day, before the concerned Court below, the present privilege of bail shall stand cancelled automatically and the petitioner would be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

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