

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52442 of 2023

Arising Out of PS. Case No.-109 Year-2021 Thana- GURUA District- Gaya

1. Nagina Devi, W/O Rampati Bhuiyan @ Rampati Mandal, R/O Village- Ismailpur, P.S. Gurua, Dist. Gaya
2. Sitabiya Devi, W/O Raj Kumar Mandal, R/O Village- Ismailpur, P.S. Gurua, Dist. Gaya
3. Ruby Devi, W/O Akaldeo Bhuiyan @ Akaldeo Mandal, R/O Village- Ismailpur, P.S. Gurua, Dist. Gaya
4. Sunita Devi, W/O Birendra Mandal, R/O Village- Ismailpur, P.S. Gurua, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 15-09-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.
2. Petitioners seek regular bail in connection with S. Tr. No. 406 of 2022/1073 of 2023 arising out of Gurua P.S. Case No. 109 of 2021 dated 22.05.2021 registered for the offence(s) punishable under Section(s) 302 r.w. Section 34 of the Indian Penal Code and Section(s) 3 and 4 of the Prevention of Witch Practices Act.
3. This is second attempt of the petitioners for the relief of regular bail after their earlier bail prayer was rejected



by this Bench vide order dated 11.07.2022 passed in Cr. Misc. No. 13520/2022 preferred by these petitioners.

4. The main submissions advanced by learned counsel for the petitioners are that all the petitioners are women, having fair and clean antecedent and they have been languishing in jail since 23.05.2021 and the trial of the petitioners has commenced and out of seven chargesheet witnesses, only two have been examined and the prosecution is very slow in producing and examining the remaining witnesses. Further submissions are that against the petitioners, the allegation made in the FIR is completely vague, general and omnibus and there is no eye-witness of the alleged occurrence even the informant is not stated to be the eye-witness of the alleged occurrence.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly the report of the trial court which goes to show that out of seven prosecution witnesses, whose details has been given in the chargesheet, only two witnesses have been examined and the last witness was examined on 05.01.2023 but thereafter, no witness of the prosecution has turned up despite lapse of several months



which shows lingering attitude of the prosecution in producing and examining the remaining witnesses and all the petitioners are women, who have been languishing in jail since 23.05.2021, in my opinion, in the said circumstances, the petitioners now deserve to the privilege of bail. Accordingly, let all the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with S. Tr. No. 406 of 2022/1073 of 2023 arising out of Gurua P.S. Case No. 109 of 2021.

(Shailendra Singh, J)

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