

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60422 of 2023

Arising Out of PS. Case No.-50 Year-2018 Thana- MEDNI CHAUKI District- Lakhisarai

RINKU DEVI WIFE OF RIJHAN BIND VILLAGE- BASGARHA BIND
TOLI, PO- AMARPUR, PS- MEDNICHOWKI, DISTT- LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 01-12-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Sessions Trial No. 103 of 2021 arising out of Medni Chowki

P.S. Case No. 50 of 2018 registered for the offences

punishable under Sections 302, 201 of the I.P.C.

3. As per prosecution case, informant received

information regarding death of her niece, namely, Chandni

Kumari. It is alleged that petitioner was step mother of

Chandni Kumari and she was in habit of assaulting and

torturing her niece. It is further alleged that earlier Chandni

Kumari informed her maternal uncle that her step mother



threatened to kill, for which a panchayati was held earlier. The informant further alleged that he has not received correct information that as to how deceased died and when he reached at the place of occurrence dead body of deceased was buried.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and she has falsely been implicated in this case on the basis of suspicion and except suspicion, no material has come against the petitioner. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that out of six prosecution witnesses, three prosecution witnesses have been examined in the case but none of the prosecution witnesses has supported the case of the prosecution. Even the informant, who sets the criminal proceeding into motion, has been examined but he has also not supported the case of the prosecution. He further submits that petitioner has six minor children and she is



rotting in jail custody since 23.01.2021 which is near about three years. Learned counsel further submits that so far as pace of trial is concerned, only three witnesses have been examined till today which clearly indicates that pace of trial is going slow and delay of trial is not in any way attributable to the petitioner as petitioner is in custody for near about three years. He further submits that under such circumstance, trial is not likely to be concluded in near future.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody which is near about three years, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Lakhisarai in connection



with Sessions Trial No. 103 of 2021 arising out of Medni Chowki P.S. Case No. 50 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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