

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77249 of 2023

Arising Out of PS. Case No.-208 Year-2021 Thana- HUSSAINGANJ District- Siwan

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LACKY KUMARI @ LUCKY KUMARI DAUGHTER OF ANIL KUMAR
SINGH RESIDENT OF VILLAGE - HABIBNAGAR, P.S. -
HUSSAINGANJ, DISTRICT - SIWAN, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-12-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. In this case, the petitioner seeks bail in connection with Sessions Trial No. 33 of 2022 amalgamated with Sessions Trial No. 566 of 2022 arising out of Hussainganj P.S. Case No. 208 of 2021, registered on 30.8.2021 for the alleged offences under Sections 147, 341, 323, 324, 302 and 504 of the Indian Penal Code.

3. Towards compliance of the order dated 24th of November, 2023, a report dated 1st of December, 2023 has been received from the learned Additional District & Sessions Judge-Vth, Siwan, wherein he has submitted that



out of total 16 charge sheet named witnesses, three witnesses have been examined till date. From the report it also appears that the matter travelled to different courts and remained pending in vacant court for quite long time.

4. Allegation against the petitioner is that of giving '*Bhala*' blow to the son of the informant who succumbed to his injuries. The occurrence took place in the background of quarrel between two families.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 30.8.2021 and there is no likelihood of conclusion of trial in near future. The petitioner is a lady. Learned counsel further submits that three witnesses have been examined in this case but they did not say anything specific about the role of this petitioner. Earlier when the prayer of bail of the petitioner was rejected by this Court vide order dated 28.9.2022 passed in Cr. Misc. 69773 of 2021 it was noted by this Court that the allegation of giving *Bhala* blow to the victim is against the petitioner. Learned counsel further submits that the allegation of giving *Bhala* blow is also against some other persons in the deposition of the witnesses. Now,



considering the fact that the petitioner is a lady and she has remained in custody for more than two years, her case may be sympathetically considered for grant of bail.

6. Learned APP opposes the contention made on behalf of the petitioner.

7. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and further considering her period of custody and also the fact that there is no likelihood of earlier conclusion of trial, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand only) with two sureties of the like amount each to the satisfaction of learned ADJ-VII, Siwan in connection with Sessions Trial No. 33 of 2022 amalgamated with Sessions Trial No. 566 of 2022 arising out of Hussainganj P.S. Case No.208 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

*(i) One of the bailors will
be a close relative of the petitioner.*



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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