

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17852 of 2024

Arising Out of PS. Case No.-48 Year-2020 Thana- LAUKARIA District- West Champaran

PUJA KUMARI @ POOJA KUMARI, WIFE OF DHIRAJ PASWAN,
DAUGHTER OF KAILASH PASWAN RESIDENT OF VILLAGE-
CHAILA (CHAYTA), POLICE STATION- PAKRIDAYAL, DISTRICT-
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Milind Kumar Mishra, Advocate Mr. Sanjay Kumar@Maurya, Advocate Mr. Yogendra Tiwari, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 26-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed her prayer for grant of regular bail in connection with Sessions Trial no.696 of 2022, arising out of Laukariya P.S. Case no. 48 of 2020 registered under sections 307, 332, 333, 353, 414, 120B, 147, 148 and 149 of the Indian Penal Code, sections 25(1A), 25(1AA), 26, 27 and 35 of the Arms Act, sections 16, 18 and 20 of the U.A.P. Act and sections 3 and 4 of Explosive Act.

3. As per the prosecution case, on receiving information about the accused persons belonging to the zonal committee of Maoist group having gathered, it is stated that police teams were constituted and they proceeded towards the



accused persons. It is further stated that the Naxalites carried out I.E.D blast and started indiscriminate firing on the police personnel. A number of persons on the informant's side were injured and in the counter firing by the police, four accused persons were killed. Large number of incriminating articles including AK-47 rifles, detonators, cartridges etc. were recovered. Further, it is stated that six named accused persons including the petitioner herein managed to escape.

4. Learned counsel for the petitioner submits that the earlier applications for bail of the petitioner were rejected vide orders dated 22.11.2021 passed in Cr. Misc. no.22301 of 2021 and dated 4.1.2023 passed in Cr. Misc. no.53281 of 2022 directing the learned Court below on both the occasions to expedite the trial. It is submitted that a supplementary affidavit has been filed bringing on record a copy of the charge-sheet from which it would transpire that there are as many as twenty charge-sheet witnesses. As per instructions received, not a single witness has been examined on behalf of the prosecution in the learned trial Court. The petitioner is a lady who is in custody since 30.8.2020 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State.



6. A report was called for from the learned trial Court.
As per the report received contained in letter dated 15.3.2024 of the learned Additional Sessions Judge Ist, Bagaha, West Champaran, charge has been framed on 25.1.2023 and out of 19 charge-sheet witnesses, no witness has been examined on behalf of the prosecution.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, the petitioner having remained in custody for about 3 years 7 months since 30.8.2020 and none of the 19 charge-sheet witnesses having been examined on behalf of the prosecution inspite of charge having been framed more than one year ago on 25.1.2023, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 696 of 2022 (arising out of Laukariya P.S. Case no. 48 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge Ist, Bagaha, West Champaran.

(Partha Sarthy, J)

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